



What do civil society actors think about the human rights- based approach ?

**Perspectives from CSOs
in Africa, Asia, Latin America,
Europe and the Middle East.**



*The opinions expressed in this document are those of their authors
and do not necessarily reflect those of the AFD.*



Emilie ABERLEN

*Civil Society Partnership Team, AFD
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Foreword

On 7 December 2023, some sixty representatives of civil society organisations from every continent met at the Agence Française de Développement in Paris to discuss their approach to the human rights-based approach.

What is the human rights-based approach? Why take the initiative to consult and compare the views and practices of CSOs on this approach?

The rights-based approach is a conceptual framework that recognises the interdependence between the realisation of human rights and sustainable development. Formalised twenty years ago by the United Nations, this approach is an operational method for integrating human rights issues into development projects. It also helps to optimise the monitoring, accountability and evaluation of projects in this area. The aim of this method is to ensure that development projects do not undermine human rights, on the one hand, and that they advance them, on the other. Although it is little-known, not very visible, and not widely applied by the international community of development actors (donors, operators, partners), it puts human rights in their rightful place, considering that they are the backbone of the 2030 Agenda. In 2015, the final UN resolution at the origin of the 2030 Agenda established human rights as a principle, a shared commitment, and a condition without which development cannot be sustainable, for all development actors. And 92% of the 169 targets of the 17 SDGs are anchored in international human rights law.

As this approach was celebrating its 20th anniversary, and as we were on the eve of the second edition of the International Conference on Human Rights and Sustainable Development hosted by AFD, we wanted to know what CSOs working in the field thought and did about the HRBA. This was also in line with the collective commitments made by the MEAE, operators and ODA partners to improve the operationalisation, awareness and training of the development community in this approach, in all its projects and funding.

We believe there are three important points to be taken from these very rich discussions:

- The human rights-based approach is a framework, and like any framework it is effective if it is adapted to the context in which it is implemented: far from being a rigid, top-down straitjacket, it is a useful tool for development

practitioners to question the project on important issues related to its relevance and effectiveness, such as its non-discriminatory nature and the way in which it integrates issues of participation and inclusion.

- The human rights-based approach is a tool that can be used to enter into a public policy dialogue with governments based on a shared commitment, something that is particularly sought after by development actors in all their diversity, whether from civil society or not.
- The human rights-based approach creates links and reconciliation between families of actors who sometimes feel isolated – because they come from different backgrounds and disciplines and compete for funding – but who are working towards a common agenda. At a time when the rule of law, respectful of human rights, has never been so strongly called into question, the human rights – based approach is an objective tool to counter the shrinking space for civil society and, more broadly, of the space for national and international solidarity.

We would like to extend our warmest thanks to the civil society organisations who, in all their diversity, have agreed to share their visions, practices, doubts and proposals, thereby inspiring our collective reflection through their practical experience in the field.

We hope that these proceedings will serve as a basis for reflection and action by development actors in all their diversity, with a view to achieving sustainable development that respects human rights, as reaffirmed in our strategic orientation plan.



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**Feedback workshop
on the
consultation
of
CSOs
on the
human
rights-based
approach to development**



10:52
jeudi 7 décembre

10:52
jeudi 7 décembre



Farid LAMARA
Department of Strategy, AFD

Welcome and structure of the workshop

Hello everyone.

First of all, a huge thank you to you all for travelling to this meeting from all over the world, from Latin America, the Middle East, Africa and Asia, as well as from Europe, AFD and the French Ministry of Foreign Affairs. We form a group of development practitioners who have come together to exchange views on the human rights-based approach to development.

It is an enormous pleasure to welcome you. It is a rare opportunity to be able to assemble the community of development and civil society actors, from both North and South, and to dedicate time to the issue of human rights.

My work in AFD's Department of Strategy involves activities that relate to human rights and the human rights-based approach (HRBA). I cooperate closely with research colleagues and those from the operations side who work with civil society.

The team organising this event includes *Émilie ABERLEN*, from the Civil Society team, *Sarah Hayes*, also from the Department of Strategy, and *Aurélie HESS*, who is also here today.

We organised the "Human Rights and Development" major international conference two years ago. The conclusions reached at this conference should come as no surprise to you. The call was for a much more proactive approach to the issue of human rights in the work of all development actors, including cooperation agencies, public development banks, civil society organisations, the private sector – indeed, the whole community of development actors. These conclusions were particularly interesting in the French context, as they were consistent with a recent mandate, entrusted to us by the Ministry for Foreign Affairs through the "Human Rights and Development" strategy and action plan adopted in 2018. Our mandate is now clear on the issue, as it was reasserted within the framework of a law in 2021 and more recently by the Presidential Council for Development and the Interministerial Committee for International Development Cooperation. There is thus a determination to do more and better on these issues at French institutional level.



**Two objectives.
The first is to ensure that development projects do not harm human rights. The second is to incorporate the advancement of human rights into project goals.**

Following this first conference, together with Sarah we launched a wide-ranging consultation of civil society actors in both the North and South. The objectives were to understand how human rights issues are addressed, assess the relevance of the human rights-based approach (HRBA), and provide information on civil society's priorities, appropriate areas of action and identified levers. The consultation therefore aimed to listen to the voices of civil society in the North and South and assess the way in which the rights-based approach is integrated into their practices. It also identified any scope for improvement and priorities based on their observations in the field, including the production of knowledge in terms of research and capitalisation in order to move the subject forward. Some fifty people took part in the consultation, which resulted in two reports: one of a general nature, on HRBA, and the other more focused on the issue of Indigenous peoples and the preservation of their rights, the specific nature of which was identified by the consultation. There were other specific problems, but in light of the ecological challenges, the latter issue had to be emphasised.



We must also not forget that we are celebrating the 75th anniversary of the Universal Declaration of Human Rights and 25 years of the United Nations Declaration on Human Rights Defenders.

This morning's workshop will be divided into three sessions. The first consists of an overview of the consultation, followed by a discussion. Analyses have been sent to you and validated by all, and they reflect the content of the interviews. However, today we are offering a unique opportunity for discussion. We will not be able to address all the relevant issues in two hours, but we can spark a dialogue and then consider how we can continue to work together in 2024, with CSOs of the North and South, on the basis of a community of collective practices on these subjects.

The second workshop session will be dedicated to feedback on the issue of Indigenous peoples. We will then finish with a final session of discussion on subjects that are difficult to consider, sensitive themes, sometimes considered taboo, such as sexual minorities. The issue is how to work on these subjects in highly constrained contexts.

Before we start, I would like to remind you of what the human rights-based approach consists. It is a precise methodology, defined in 2003 by a United Nations framework on the basis of the corpus of international human rights law, comprising very many binding texts ratified by States. According to this approach, States are responsible for respecting, protecting, implementing and promoting human rights. States are therefore duty bearers, while their populations are rights holders. For development actors, the human rights-based approach consists of assisting States in fulfilling their obligations, and supporting rights holders in asserting their rights.



Source : <https://www.humanrights.dk/tools> / <https://ongraes.org>

In more practical terms, the approach has two objectives. The first is to ensure that development projects do not harm human rights. The second is to incorporate the advancement of human rights into project goals. The methodology is thus intended to be operational.

Tomorrow, we will present you with a tool designed by the Danish Institute for Human Rights which allows these principles to be followed and upgrades project designs to better integrate the HRBA into activities¹. This methodology also incorporates the principles of participation, transparency and non-discrimination.

For our first session, I would like to issue a special thank you to **Romain MASSON** for agreeing to stand in at the last minute for **Mbathio DIAW**, Director of **RAES**, an NGO, who unfortunately has been taken ill and is not able to join us from Senegal.



¹ Cf. AFD, proceedings of the second Human Rights and Development conference, 8 December 2023, pp. 132-138.

General consultation on HRBA



Romain MASSON
RAES, Senegal

Good morning everyone. My work at the **NGO RAES** is centred around the production of audiovisual content, in particular for radio, TV and digital media. I will do my best to respond to the request I received this morning to report on the consultation, together with my colleague Lionel.



Lionel FLEURISTIN
Conseil national de financement populaire
(KNPF), Haiti



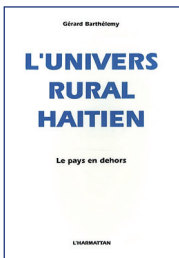
We would like to focus on some of the results of the consultation.

By way of introduction, I would like to quote from the book *Le Pays en dehors*, by Gérard Barthélémy, a French economist. In Haiti, the area outside the city is called "le pays en dehors" or the "country beyond", which sometimes also means "beyond rights". A development agency worker once invited a farmer to a meeting, but the farmer replied: "I can't come on Thursday at four o'clock, because we only do development on Fridays." This is an outlook that concerns us all. As a development actor, I have the impression that everything happens on other days, not on the day allocated for development. We need to reach an understanding with farmers to make them stakeholders every day of the week. We also need to prevent our development being on one side while they are on the other. Co-construction and support mean that the route and destination have to be identified, sometimes by delving into the finer details of the development supported by the people concerned. I don't know what the answer is, but it is a question we need to consider.

The results of the consultation are presented as six main points. You will all have received a copy of the report; we can't go into the details in the thirty minutes we have here, but we can refresh your minds.

The first point concerns the perceptions and challenges of the human rights-based approach for civil society organisations on the basis of their experience. The report was informed by your responses. The following points deal with experiences and recommendations for implementing the HRBA in development activities, the priorities to be established for the promotion of human rights, research, accountability, advocacy and evaluation. The fifth point concerns the interest, obstacles and good practices of the collaboration of civil society with the State and enterprises for the promotion of human rights. Finally, the sixth point considers the role of donors in the promotion of the HRBA, courses of action and recommendations.

I would like to pay tribute to Sarah Hayes and Farid Lamara for their work in summarising the report, which genuinely assisted our task of presenting feedback.



En Haiti, the area outside the city is called "le pays en dehors" or the "country beyond", which sometimes also means "beyond rights"».



Romain MASSON

I will very quickly present the *six key points of the consultation*, some of which will be more relevant to you than others, to leave as much time as possible for discussion.

1

The first point concerns CSOs' perceptions of HRBA issues, on the basis of your experiences. This takes into account the added value of the approach, as it is considered to be a good entry point for promoting human rights. It should be remembered that the HRBA has added value as it allows:

- The co-construction of projects with beneficiaries, a point that came up frequently in testimonies in the consultation, emphasising the need to also include the public authorities;
- The objectification of action and advocacy to the public authorities, based on a quasi-universal legal framework, considered as an excellent entry point for initiating development projects and programmes in the field of human rights;

The frame of reference offered by the HRBA also makes it possible to formalise existing or recognised practices in order to extend and, if possible, systematise them. The HRBA promotes the decompartmentalisation of civil society, to which, no doubt, many of you will be able to bear witness at the end of this presentation. Finally, the HRBA is seen as an instrument of conflict prevention, a subject on which it will also be interesting to hear from you.

2

The second point concerns the experience and recommendations to be implemented for a human rights-based approach to development activities, which can be summarised as follows:

- Make sure that projects have very strong local roots – donors and project promoters often find that this is not the case. These local roots can be used to expand to a broader scale at national and international levels;
- Facilitate the participation and inclusion of the beneficiaries in the project cycle;
- Strengthen capacity to ensure the mobilisation of all stakeholders and the sustainability of actions;
- Support a variety of modes of action through a range of diverse strategies;
- Support and protect human rights defenders;
- Overcome the reluctance of sovereign counterparties;
- Support the media – an important element to which I can personally testify;
- Make sure that the project team is trained in human rights issues and is multidisciplinary;
- Develop working methods, both in internal teams and with local partners;
- Create or strengthen accountability and risk reduction mechanisms.



3

The third point, which was strongly emphasised in the consultation, concerns the priorities to be set for the promotion of human rights. Four fundamental issues can be identified:

- Supporting States in implementing their obligations regarding human rights and their responsibilities to assist the holders of these rights, namely citizens, in asserting them;
- Reaffirming and promoting the universality of human rights to make up ground on relativist discourses: this is relevant to every continent, and you can express your views on the different problems it engenders;
- Taking certain thematic priorities into account in development programmes – a subject that can also be open to debate;
- Favouring territorial or local, national, or even international approaches, in the case of broader support, to assert human rights.

4

The fourth point concerns research, accountability, advocacy and evaluation, with four key items of interest:

- In-depth knowledge of the different facets of human rights in the context of development that are essential for progress;
- The creation of various tools to promote the respect of human rights through research, diagnosis, identification, training and the creation of indicators, particularly in terms of impact and evaluation;
- The results of documentary or formative research, depending on each area, in all its forms, as constituent elements of the actions of development actors, essential to the success of our enterprises and projects;
- Support for the participation and capacity building of local civil society organisations in the production of this documentation that is crucial to progressing our projects.

5

The fifth point concerns the interest, obstacles and good practices of the collaboration of civil society with the State and enterprises for the promotion of human rights:

- Civil society participation in the process of drawing up public policy;
- Systemic changes that pass through institutional frameworks, with articulation at different levels (local, national, regional or even international);
- The creation of participatory mechanisms designed to ensure the genuine co-construction of public action that incorporates the views of the people concerned at every stage of project development;
- Monitoring and checking the implementation and steering of public policies in order to support the creation and structuring of accountability environments;
- Cooperation between civil society organisations and actors in the private sector to jointly contribute to the realisation of human rights or to establish monitoring and evaluation of their activities in respect of human rights.

6

The sixth point concerns courses of action and recommendations for mobilising donors to promote the human rights-based approach:

- Support for specific donor initiatives to strengthen links with civil society;
- The more effective direction of funding to projects run by local organisations;
- Adapting donors' internal functioning to better integrate the human rights-based approach into their operations and implement efficient accountability policies.



Lionel FLEURISTIN

This summary presentation affords those who did not participate in the consultation an idea of its content.

To start the discussion, we have two questions: do you agree with the findings and recommendations? Do you have any reservations? Of course you can react as you consider appropriate.



Participant (Republic of the Congo)

I am the coordinator of the "Paysage forestier Nord-Congo" project in the Republic of the Congo.

I would like to raise two concerns on the basis of your presentation. Firstly, the notion of being rooted at very local levels is very important to me as a project manager. In very specific terms, how do you proceed? What resources and tools make this approach profitable, including for decision making?

My second concern relates to the third point on establishing priorities. What practical actions do you propose to support States in implementing their human rights obligations? I would like to have a very concrete answer to my question.

Participant (Cameroon)

Hello everyone. I come from Cameroon. With regard to the priorities to be established for the promotion of human rights, what strategies have you envisaged to support States in implementing their obligations for human rights and to the holders of these rights in asserting them? There have been numerous human rights violations in Africa, so how do you intend to compel States to respect human rights?



Émilie ABERLEN CSO team, AFD

The elements of the consultation which have been presented correspond to those shared by you. The questions are thus addressed to the room, as it is civil society actors who have highlighted these priorities, practices and experiences. Consequently, it is up to you to respond.

Concerning the very local roots, from what I understood from the summary, and based on what I note of the practices of the CSOs that submit projects to us for funding, this mainly refers to participation by citizens that is rooted locally to identify needs and ensure that the principles of non-discrimination, participation and inclusion are anchored in an area and not imposed on the project in a top-down way.

When it comes to implementing the priority to support States in applying their obligations and rights-holders in claiming their rights, many of the actors here today work on both of these considerations at the same time. They support citizens, rights holders, rights defenders, victims of violations and ordinary citizens committed to learning about their rights to formulate and assert their rights. At the same time, these civil society actors engage in public policy dialogue at local, regional, national and even international level to hold States to account. Sometimes, projects bring these two considerations together, with civil society actors and citizens themselves holding States to account for their obligations.

The priority to support States in applying their obligations and rights-holders in claiming their rights.

People in the room may wish to respond to these two questions, on how to root a project very locally within the scope of the human rights-based approach, and how to support States in being accountable for their obligations while at the same time assisting citizens and rights holders in asserting their rights before these States.



Participant (India)

I was delighted to listen to the presentation, which included some observations from my own region of Asia. The ambition to require States to be accountable has not been realised. The Asian Development Bank, for example, has 68 members. The projects it implements sometimes lead to environmental disasters and human rights violations, yet the bank listens to its members who provide it with funds.

Civil society, which does not create a financial gain, is often compared to the private sector. However, we do not operate on the same basis. Our advocacy and capacity-building work is constantly undermined by arrogance and contempt. So please do not compare civil society to the private sector and do not mention GDP when it comes to gains. The private sector and banks must understand our impact.

In respect of the role of civil society, we contribute to the Sustainable Development Goals. States highlight work with civil society and triangular cooperation, but in the Asia-Pacific region, civil society is never consulted and never participates in reviews. We can continue to demand that States are accountable, but they are very arrogant, and they are the ones who possess the resources and finances. We must challenge this strategy. How can we make States accountable and listen to us? A platform of all the actors involved should be established for this purpose. Most of us are from civil society, but the States must also participate and listen to us.





Participant (Sudan)

Hello, I come from Sudan.

First of all, I would like to say to our colleague from Haiti that the long-term peacekeeping mission in my country has not been effective. I strongly recommend a broadening of its mandate, not merely to get good results in reports, but also to ensure that its missions genuinely benefit the people on the ground.

Furthermore, we have frequently talked about strengthening civil society to make States accountable but without really investing in this area. Governments have decided to create their own NGOs and civil society organisations, which belong to them. It is all a question of financing and power. How can we give power to the people, to have a practical impact on the ground?

Environmental rights are rarely mentioned. Following the latest General Assembly resolution, we should redesign all our methodologies relating to human rights violations and assistance to victims, as well as the financial resources allocated to human rights, in order to make them more inclusive of environmental rights.



Participant (Lebanon)

Good morning.

The discussion around the accountability of States needs to be decompartmentalised, because while teams from Agence française de développement, USAID in the United States and the European Union agree with these recommendations, what about other associated entities? In the United States, the sums awarded by the Department of Defense are similar to those of USAID and the Department of State, yet these three agencies do not compare or share the same vision of development; this is only discussed with those who implement development. The result is support for human rights projects by foreign affairs ministries and development agencies while at the same time arms contracts are signed by ministries of defence and the interior that assist police forces involved in human rights violations. There is thus a real contradiction, and development agencies, which carry out high-quality work at both donor and local levels, suffer as a consequence. This contradiction applies everywhere. Do France's ambassadors to the OECD, and those who work there on major issues, report the results of agreements reached to their colleagues at AFD or GIZ in Germany?

The recommendations should not be presented to the AFD and other development agencies, which agree on the principles, but to the ministries of the interior and defence, as well as to other non-development institutions, which need to be convinced.



Participant (Chad)

I am a member of the Chadian Anti-Corruption Organisation.

You described building bridges between enterprises and civil society organisations, which we have identified as an important part of the work of CSOs. If we consider the oil production sector in Chad, contracts are not made public. Communities are affected by environmental degradation, but the State pays no attention and it comes down to civil society organisations on the ground to identify the problems. If civil society organisations do not work with enterprises and the State on the content of contracts, our communities will continue to be affected.

On the question of dialogue between the State and civil society organisations, a speaker from Sudan said that governments create their own civil society organisations, and our communities are affected by this. What should we do to help them gain justice and reparation? This work involves a sacrifice. We come and debate in these conferences, then we get back on our planes, but the real problems are still there, in our communities.

We discussed the issue of accountability in relation to official development assistance. Who monitors this issue now? Are project funds reaching the relevant communities? Organisations that work on the issues of accountability and transparency are not well regarded. If official development assistance is mis-directed, it does not reach the communities. The fight against corruption is a cross-cutting issue. Corruption is a flagrant violation of human rights, and is an issue that we must address.



Participant (Côte d'Ivoire)

I am from the department of Taï in Côte d'Ivoire.

I would like to share the experience of our organisation with you; we fight for human rights and transparency. In Cameroon, a tool known as independent observation has been adopted. All the CSOs in my country fought to have this concept incorporated into our law, into the forestry code, and we were successful. In this way, civil society organisations can observe and highlight verifiable elements to help the government with transparency. We produce independent observation reports to oblige the State to apply the law on certain points. In some cases, the State has had to take measures against corrupt authorities.



Émilie ABERLEN

We have to close this first round of discussions so that we can consider the issue of Indigenous peoples. We have taken careful note of your responses, recommendations and encouragement to improve.

Following on from this consultation, we at AFD, including the Department of Strategy and the CSO team, will consider continuing our exchanges of practice and experience on the subject of establishing the human rights-based approach in civil society organisations. We propose that these discussions should continue in a dedicated space to avoid frustrating those who have not been able to express their opinions.

So I now hand over to my colleagues for the second part of this morning's proceedings.

Feedback on the issue of Indigenous peoples



Silvia GOMEZ

Gaia Amazonas Foundation, Colombia



Hello everyone.

Before sharing our experiences and suggestions with you, I would like to focus on the question of the relationship between theory and practice. We are moving together towards what we dream of and want to achieve, and we are creating a world in which we want to live, but it is a long road to achieving this in practice. In the field of co-responsibility, we have the know-how, the ability to set up teams, and, as a great philosopher once said, you must be the change you wish to see in the world. Recommendations will allow us to address the contexts, experiences and priorities of communities in all their diversity, communities who wish to contribute to change, and not just be impacted by it. Consequently, we are trying to work alongside governments to ensure that the principle of FPIC (free, prior and informed consent) is respected.

We would like to share with you some of the best practices and experiences of our work which we have set out in the report.

Firstly, I can describe the co-creation of programmes and projects with Indigenous peoples. Co-construction entails designing projects with Indigenous peoples, in terms of values and principles, through exchanges with communities. We have to take into account multiculturalism and community priorities in this process. This multidisciplinary, diversified approach leads to a project that is genuinely focused on community interests. This work requires a variety of skills; several languages are involved and there may also be cultural differences in communication with Indigenous peoples and local communities. Co-creating and co-designing projects can be difficult, and communication problems may arise. However, we can rely on technology, an open-minded attitude and a willingness to move forward to enable the inclusion of all, including women. This approach is based on diversity and involves a process of building links and paths in order to progress together.

Co-construction entails designing projects with Indigenous peoples, in terms of values and principles, through exchanges with communities. We have to take into account multiculturalism and community priorities in this process.

We must also assist Indigenous peoples to ensure that their voices are heard and their rights respected [...]

Local communities are not just beneficiaries, but agents of change and key players in defining priorities

Taking these recommendations into account requires us to consider the process holistically, promoting the inclusion of all – men, women, younger and older people and, indeed, all citizens. The inclusion of women is a priority and assumes a decolonial vision that enables women to take on responsibilities and encourages them to express themselves. The points of view of traditional communities must be properly understood in order to promote this participation by creating moments of reflection and exchange. Women should not be obliged to participate. Rather, they should be given spaces in which they can express themselves and what they have to say must be acknowledged.

We must also assist Indigenous peoples to ensure that their voices are heard and their rights respected. We must recognise the right of these peoples to create their own teaching and educational systems, using their own languages and support systems. We are still a long way from achieving this in some countries. We must understand the governance process of local communities and the way in which they wish to use their own resources.

I encourage you to reflect on how governments and major agencies can work with civil society organisations. Local communities must have direct access to resources and tools and be able to launch projects themselves. This means recognition of the shared role of governments and civil society, which must not be reduced to simply providing resources, but instead be understood to be an agent of change. Civil society is not a third-party partner and must play a key role in political change. Local communities are not just beneficiaries, but agents of change and key players in defining priorities.

This approach also requires the integration of the specific problems linked to the safety of human rights defenders. Gaia Amazonas has worked with the Indigenous peoples of the Amazon rainforest for thirty years, striving to guarantee intercultural communication and to preserve and protect ancestral knowledge and ancient traditions. Some 264 languages are spoken in this region. Indigenous peoples represent just 2% of the population, but they occupy 44% of the territory, and it is they who preserve the forest and keep it alive. We must therefore guarantee their autonomy and specific cultural identity.

Source: Tree felling in a plot in Colombia. (Matt Zimmerma) / Sônia Guajajara in 2019. <https://commons.wikimedia.org>



We also need to work on resilience, a subject that was also raised in the consultation. Among the suggestions for improvement, the question of the safety of rights defenders must be considered to ensure the survival of Indigenous peoples, as this is a shared responsibility.

Brazil used to be the most dangerous country for environmental defenders in Latin America, but now Colombia has taken over this mantle. Social and environmental problems are due in particular to the difficulties of mounting an opposition to enterprises that exploit the land and forests, sometimes illegally.

Good communication is needed to build bridges between FPIC, human rights and the rights of nature. This issue concerns not only Indigenous peoples, but also peasants and other minorities, who have much to teach us about the paradigm shift in the relationship between nature and human beings. These communities perceive the world not as a pile of things but as a communion of objects, in which the relationship with nature is central. We must face the challenge of connecting the climate change agenda, nature and human rights on the basis of intersectionality and interoperability, in order to enable these points to be built.

We must also reflect on how to work with local communities and civil society on the environment and human rights. How can we put human rights back at the centre of the paradigm? Progress made in Ecuador has led to recognition of the Amazon and Djato rivers as areas to be protected.

The territorial and trans-territorial approach allows us to work at local, national and international levels to guarantee a transformative impact. We want to build together, in a transversal way, on major issues such as rivers that cross borders and the impact of climate change on the Atlantic, rivers and deserts. We can identify shared challenges in these areas.

To return to the links between theory and practice, we can, for example, start to put in place a map or roadmap to identify priorities and bottlenecks, to ensure that, together, these recommendations are heard.





Ivonne Yanez
Acción Ecológica, Ecuador



Hello everyone.

Thank you to AFD for allowing us to share our ideas from Ecuador and Latin America, to talk about development and the rights of men, women and nature.

We have worked to defend these rights for more than thirty years at Acción Ecológica, which is part of the International Federation for Human Rights (FIDH). We would once again like to thank AFD for allowing us to discuss the inclusion of the human rights-based approach in development. We are making a late intervention, but the path we are constructing is excellent, thanks to consultations and exchanges. In this sense, the production of the report is an excellent basis from which to work.

The inclusion of a human rights-based approach is particularly important in development policies. Towards the end of the 1980s in Latin America, disagreement over the concept of development intensified for three main reasons. The first was that, from the 1960s and 1970s, mining and the agri-food industry grew very strongly, which was supposed to help our countries "emerge from underdevelopment". But we are still underdeveloped and problems persist. So that approach has not worked.

***It is not right
to consult the
population
but then ignore
their opinion.***

The second reason is that the neoliberal policies implemented in the 1980s, and even later in some countries, were accompanied by a discourse of development, which ultimately accentuated the dangerous dynamics. At the same time in Latin America, we witnessed the emergence and strengthening of powerful Indigenous movements such as Via Campesina, the Movimento dos Trabalhadores Rurais Sem Terra (MST) in Brazil, the Zapatista movement in Mexico, and CONAIE (the Confederation of Indigenous Nationalities of Ecuador). These organisations wanted to put an end to the model of development and exploitation, which promised employment, progress and well-being – promises that ultimately were never kept.

So we saw the birth in Latin America of the post-development and deep development movements which began to question the principle of development as it had existed to that point, to offer alternatives; not alternatives forms of development but alternatives to development.

This debate is crucial as we mark the 75th anniversary of the Universal Declaration of Human Rights, as well as because new rights are being recognised around the world. After the rights of the individual, civil and political rights, economic and social rights, collective rights and environmental rights, we now also recognise the rights of nature – another type of right, but all of which are linked to human rights. The report shows the need to put nature at the centre of our exchanges in order to include these rights in legislation.

It is important that the report includes the human rights-based approach, but this principle does not exist everywhere, and when it does, it is not always respected, or not to the right degree. It is not right to consult the population but then ignore their opinion. FPIC must be fully integrated into national legislation, and development policies must respect national self-determination. In Ecuador last August we called for a ban on the exploitation of oil resources in an Amazonian region. Development policy must support Ecuador in respecting this wish.

In conclusion, I would like to congratulate and thank the AFD team for their efforts. I am aware of the difficulty of gathering all these elements together in a report that is so important for the future of us all.





Sarah HAYES *Department of Strategy, AFD*

Thank you for your testimony, which reflects some of the points raised in other discussions on the issue of Indigenous peoples. Others in the room can enlighten us on this matter in Asia and Africa. It is true that the issue of Indigenous peoples concerns the whole world.



Participant (Bangladesh)

Thanks to everyone for this opportunity to share.

I work in development in Bangladesh, where the situation is similar to that previously described. My country does not recognise the existence of Indigenous peoples and the government does not listen to their demands. It does not recognise us as citizens of Bangladesh, and civil society is controlled by the government. How can we make progress on human rights when we are controlled by the government, which can impose sanctions on us? Our expression is therefore limited. What actions can we take when Indigenous populations are not recognised?



Participant (Democratic Republic of the Congo)

Thank you for inviting me to speak.

I come from the Democratic Republic of the Congo (DRC) and I am an Indigenous woman. The issue of Indigenous peoples, who were not recognised before 2006, is a very serious one in my country.

We filed a claim against the World Bank, because it was funding the exploitation of the forests upon which Indigenous peoples depend for their livelihood. Concessions granted to logging companies penalise Indigenous peoples, who sometimes have to leave their villages for urban areas, where they have to do the most onerous work. The claim has had an effect. The World Bank sent a Japanese professor to visit the Indigenous people's village and confirmed their existence.

In 2006, President Kabila recognised the existence of Indigenous peoples in the DRC. In 2009, a consultation of Indigenous peoples was launched to draw up a specific law of protection and promotion. On 15 July 2022, President Tshisekedi declared in a speech at COP26 in Glasgow that he would enact a special law on the promotion and protection of Indigenous peoples, which he did as soon as he returned to the country. This law has the potential to resolve all the problems faced by Indigenous peoples, particularly in terms of land tenure and basic social services. The simple fact of being able to raise the issue of Indigenous peoples in the DRC is already a major step forward.



I particularly appreciated the point on developing policies relating to Indigenous peoples in the AFD consultation. Indigenous peoples were the first occupants of the DRC, but they are still not guaranteed access to the forests. Provinces, such as the forest province of Équateur, where I am from, are discriminated against by the dominant community and the State. Indigenous peoples do not participate in decision-making bodies, even at local level, in chiefdoms, sectors, territories or provinces, and illiteracy persists, mainly among Indigenous women.

I am available, along with my Indigenous brothers, to answer your questions. I could also discuss the issue of funding, which is not reaching Indigenous peoples, as well as many other subjects. Elections are scheduled for the near future in the DRC, but politicians do not implement the law.

Sarah HAYES

Thank you. You have highlighted obstacles that many of you encounter. The question from the speaker from Bangladesh illustrates the risks you take in defending the rights of Indigenous peoples when the State does not recognise their existence. This raises the question of the limits of official work and the strategies to be found to prevent the risk of reprisals. The speaker from the DRC raised the issue of the respect of the rights of Indigenous peoples when the government does not recognise their existence. The law you have worked on is a good illustration of how civil society and the State can cooperate to build bridges and create a genuine policy upon which you can rely.

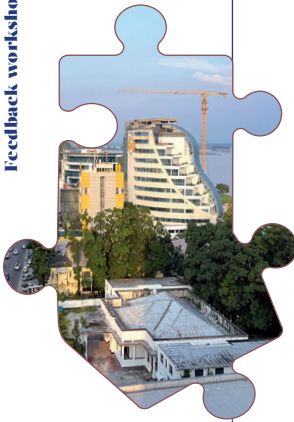
Participant (Republic of the Congo)

We have made much progress in Congo-Brazzaville, because Indigenous peoples are recognised here on the basis of legally defined proceedings and Law no. 5 of 25 February 2011, which set out promotion and protection for them. This law sets out civil and political rights, cultural rights, rights in respect of education, health, work, property and the environment. But the law alone is not enough to ensure its application, and a series of regulatory instruments, including decrees and orders, ensure its implementation.

Furthermore, the government has established a Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples, as well as a major directorate-general that deals directly with issues of the promotion of Indigenous peoples. The new forestry law and forestry code no. 33-2020 also embrace the concept of local and Indigenous peoples' communities (CLPA), newly introduced into law.

We also have major tools to involve Indigenous peoples, with free, prior and informed consent (FPIC), as part of involvement at the highest level of decision-making. Civil society organisations are also involved.

Tomorrow, I will present a project that I am coordinating in which we are incorporating CLPAs, with the significant involvement of Indigenous peoples. We are making progress on the subject, even if not everything is perfect yet. The integration of Indigenous peoples is a gradual process in which nothing must be imposed and in which their rights and duties must be respected.





Participant (Luxembourg)

I am a gender and human rights expert for LuxDev, the Luxembourg development cooperation agency. I would like to add to the issue of integrating Indigenous populations into civil society and the recognition and promotion of their rights in Congo-Brazzaville, where I have worked as a human rights analyst for the United Nations. The dynamic described has also been launched in other countries where UN agencies are based.

A few months before the adoption of the law promoting and respecting the rights of Indigenous populations in 2010, UNFPA, the United Nations Population Fund, raised the question of representation with the authorities. The best practices put in place in the neighbouring country, the DRC, could be shared, building bridges between the countries. UN bodies are working on platforms to establish a network for the actors, but in terms of civil society, Congolese communities in Congo-Brazzaville and the DRC, Burundian communities and communities throughout the Central African forest basin, should be able to exchange and learn from best practices. This networking is very important, not least because the populations in question share the same concerns and are close in cultural terms. Such dynamics could also apply to Latin America.

Sarah HAYES

Your testimonies show how useful these exchanges are. We can conclude that you have an appetite to share best practices. Thank you very much for these initial testimonies.

I would like to thank Silvia and Ivonne for leading this workshop, and turn to them to draw it to a close.



Ivonne YANEZ

We are currently examining an international treaty at the United Nations, which must contain binding measures for States, obliging them to respect these rights.



Silvia GOMES

The prioritisation process that must take place is a long one. In Colombia, the initial action was to recognise the ownership of the land by local communities, so that they could manage it. This was a first step towards real change. Subsequently, a legal framework for Indigenous peoples has to be recognised so that they can make decisions on land management. This empowerment is a key factor, but it is not assimilation. The State must allow these peoples to manage the land themselves. Then a process has to be put in place to construct a government, which necessitates financial, political, social and cultural support, which of course takes time. In Colombia, the multicultural nature of the country was only recognised in 1991. Before that date, only Spanish was accepted in the country, despite the existence of 300 different languages and 300 Indigenous peoples.



Farid LAMARA

Jean-Claude PONGAULT-ELONGO is here to present a subject that was not specifically described in the consultation, but on which there is a consensus. We have observed that certain subjects are particularly difficult to address in light of the increase in relativism and anti-rights movements that are developing all over the world, not only in Africa, Asia and Latin America, but also in Europe and the West in general. These movements are extremely concerning and we must continue to respond to the expectations, needs and urgency on the ground in respect of certain populations. Jean-Claude will tell us about his efforts in the Republic of Congo to deal with the issue of sexual minorities, or LGBT people, although I understand he does not use this terminology.

How can we work on human rights in the face of relativism?





Jean-Claude PONGAULT-ELONGO

Cœur Arc-en-ciel, Republic of the Congo

*Thank you AFD for the invitation.
Hello to you all.*

Cœur Arc-en-ciel is an organisation that fights against HIV in men who have sex with men and also campaigns against violence and discrimination based on sexual orientation and gender identity in the Republic of the Congo.

In our country, the legal environment does not criminalise homosexuality. This is despite discrimination in the penal code which increases the age of sexual consent for acts between people of the same sex. As everywhere in Africa, the issue of the rights of LGBTQ+ people or sexual and gender minorities initially benefited from the fight against AIDS, due to the high prevalence of the disease among men who have sex with men. In the Congo, this prevalence was estimated at 26.1% in 2012, but had risen to 41.2% among men who have sex with men by 2018, making them the group most at risk of HIV in the country. Consequently, it is in the context of the fight against AIDS that questions on human rights with regards to sexual orientation and gender identity have emerged.

Cœur Arc-en-ciel was established in 2016 and is the second organisation in the Congo to tackle, head-on, human rights issues concerning sexual and gender minorities, identified at the time as LGBT people. From 2018, we started to rethink our action for two reasons. The first concerned the Westernisation of our struggle, as we were accused of copying the West with claims that homosexuality was a Western import. The second subject was the confusion between violence and discrimination based on sexual orientation and marriage for all. We therefore tried to review our strategies with a view to constructing bridges for dialogue rather than walls of isolation.

We wanted to be considered as humans in our society, which is collective in nature, where everyone meets under the palaver tree to discuss problems. We also wanted to explore our own culture, because we started in a copy-paste mode, identifying ourselves as LGBTQI+ and trying to organise marches in the street. We had not really taken our context into account.

In the Congo, the country of my birth and that of my mother, the term "cousin" does not exist in the Lingala language. We are all "brothers" and "sisters". The terms "half-brother" and "half-sister" do not exist either. Furthermore, the third person singular is always neuter. There is no "he" or "she". The choice of pronouns in international spaces did not make sense in our culture, even if we can speak French, since we have our own language. The question of the gender of pronouns thus comes from colonial language, which made us choose genders although these

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did not exist in our culture. So this made us realise that we could not fight for the "hes" and "shes", and that this issue was not part of our struggle. Our language had resolved the issue a long time before.

We asked ourselves how we could move forward and respond to the accusation of copying the West, while taking our own culture into consideration. We need to understand that others are not always wrong and analyse their arguments without overemphasising our own positions. We have been fortunate in having counterparts who have not been hostile, but rather supportive and objective when reproaching us for reproducing patterns from "over there". We had to put our actions into context. We came to realise that the strategies we had been using were building barriers.

In 2019, we organised a reflection on the direction that our movement should take to address the sensitive issue of sexual orientation and gender identity. We adopted the approach of de-Westernising our movement by means of contextualisation. We want to construct an authentic movement that respects our context, to build bridges for dialogue with society and the authorities, because if legislation does not impose criminal sanctions, society responds by rejection and committing violence and acts of discrimination. The surveys we carry out show that the family and society remain the two main perpetrators of violence and discrimination based on sexual orientation and gender identity.

We initially abandoned the use of the acronym LGBTQI+, as it is accused of being a Westernisation. If I introduce myself to the authorities as an LGBTQI+ person, I am asked to translate the term into my language before I can embark on a dialogue. The language barrier has been overcome thanks to the work of Professor Charles Gueboguo, who has rediscovered the sexual and gender identities and minorities that existed in pre-colonial Africa. In the DRC, the *bitesha*, originally from Kasai, the province of the current president of the DRC, represented a third gender. In Cameroon, the *ngagayachibanda* were priests who dressed as women, in northern Nigeria there are the *yandaudu*, while in Burkina Faso, the *sononais* lived in the royal court and also dressed as women. So we thought about bringing out our own African identities to change the paradigm, no longer copying and pasting but contextualising. In order to celebrate pride and given the difficulty of holding marches, we organised evenings with gender-free fashion shows. Everyone dresses in a way that pleases them and parades down a catwalk, like a fashion show. They wear *pagne* – a fabric that is gender neutral, like the third person in our language. This thus expresses our pride. In this way, we have been able to contextualise our struggle.

As for the issue of marriage for all, we started from the observation that marriage in the West is different to marriage for us. In the West, it is two people, two individuals, who get married by putting a ring on each other's fingers, whereas for us, it is a matter of two families marrying their children. Even for heterosexuals, if the families refuse the union, you can't get married. So it is always two families who meet through *nzonzi* – mediators who seal the union. In a de-Westernised approach, we therefore considered that it was up to the families, when they were ready, to meet in order to find a solution. In our culture, the priorities are employment, security, housing and empowerment, rather than the issue of marriage for all.

***In our culture,
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This approach has given us some successes. There was a huge controversy on social media in both the Republic of the Congo and the DRC last January. An invitation to the engagement party of two young men was leaked. This led to disproportionate reactions on social media, with calls for criminalisation. We didn't want to intervene at the time because everyone was overwhelmed by sensationalism. We waited until things had calmed down and people had thought about the issues in order to allow discussion. We held a working session with 27 journalists, who had come looking for inflammatory stories. We talked to them and explained our vision, our de-Westernised approach through contextualisation. We explained how we wanted to highlight our local identities and return to authenticity in an approach similar to that of Mobutu, the former president of Zaire. We addressed the question of marriage, indicating that when our families wanted to unite us, they could meet to start the process. The journalists who had come to write negative stories wrote nothing. We asked them to respect a certain intellectual honesty as journalists and not to distort our words. This workshop was one of the most important for our movement, as it was when we were confronted by the fourth estate. There were no negative articles, but instead, impartial ones. These presented the way we work in the Congo, our approach to the question of marriage and de-Westernisation through contextualisation.

Thank you.





Farid LAMARA

Thank you, Jean-Claude, for this overview. We are once again constrained by time, but we can take a few reactions from the floor, or requests for testimonies or illustrations, before concluding the workshop.



Participant (Uganda)

Hello,

I am from Uganda, where working with sexual minorities has become very difficult. You can be put in prison simply for mentioning the subject. The situation has become ridiculous, to the point where Members of Parliament want to ban adult incontinence wear because, for obscure reasons, they link it to homosexuality. As a result, many members of the LGBTQ community have no access to these care products.

I work for an organisation that acts against sexual violence. One of our medical partners told us that doctors no longer want to work in the centre dedicated to the care of sexual minorities because they are afraid. We need to consider how best to protect care providers and access to care and medicines. While the Minister of Health issues press releases stating that everyone has the right to care, the reality is quite different. I have spoken to lawyers and NGOs, who do not receive funding to provide care to LGBTQ communities. Funds sent to the Ugandan Ministry of Finance are not distributed, and applying for them could mean we end up in jail, as it is illegal. Many activists have called for sanctions against politicians, and we have suggested sanctioning those who pass these laws, for example by denying them visas to travel to the West. A debate is also needed on how to individually impact the people who pass these laws, as well as on the distribution of funds, which are not reaching the NGOs that help sexual minorities and the victims of sexual violence.

Thank you.

Participant (Mali)

I come from Mali and I work for FIDH, covering the Sahel.

We regularly receive reports of violence against the LGBTQ community. The approach of many international partners, international NGOs, donors and state partners, has caused more problems than solutions for LGBT communities. Imported approaches have not taken into account the cultural, sociological and historical considerations mentioned by the speaker from the Congo. One of our partners was proposing funding for advocacy on behalf of LGBT communities in Mali, but we made it clear that this would lead to the adoption of a new law criminalising them. In Uganda and elsewhere, including Mali, the issue of criminalisation is being raised because some people are calling for the rights of communities to be enshrined, rather than continuing to benefit from the legal vacuum



in our constitutions, which do not criminalise sexual orientation. An appropriate strategy would be to first promote debate at family level, because without acceptance within families, there will be none in the street, let alone on the national stage. International initiatives need to be incorporated into local contexts that take account of actual needs, constraints and challenges.

Thank you.

Participant (Iraq)

Hello, I come from Iraq.

Our laws currently punish LGBTQ communities but the subject is not discussed in public. Civil society has had a space in which to express itself since 2003, and we can count on many partners, including international organisations and governments. We have many questions about the role of international donors and international organisations that work with LGBTQ+ communities. The subject remains very sensitive and taboo. In recent elections, the regime began to exert control and leave less room for civil society. A campaign was recently launched against any organisation that receives funds from abroad to support LGBTQ+ communities. The government has drawn up a list of organisations with which we cannot work. We were shocked by the lack of reaction from international organisations. They have not spoken out in our support. At an event we organised, some even refused to put their logos on our posters and communications. The United Nations is also silent and has abandoned us. We do not even have the right to talk about gender, and we can no longer discuss gender-based violence. Other countries in the region are in similar situations.

What can we do in this very difficult situation?



Farid LAMARA

It is difficult to respond to this question. We are here to collectively initiate a process of reflection and find solutions for action, including those considered underground in nature. I hope we can continue this dialogue. I would like to invite you to this afternoon's workshop on protecting human rights defenders. LGBT activists must be protected as part of the Marianne initiative. This is just a small part of the response, but some situations are very restricted, such as the one you describe, as well as in Uganda. We can act more easily in other contexts, such as that presented by Jean-Claude.

In this highly complex landscape, it is up to us, as development actors, to find solutions that take into account political constraints that can sometimes be very considerable.



Participant (Ghana)

I am from Ghana.

Uganda is a time bomb that could explode at any moment. We have to take into account the specific cultural features and contexts. You said that some organisations refuse to allow their logos to be used, but we would not use our logo in Ghana, because it comes from a foreign culture. We do not want foreigners to come because we want to take into account the specific context of the continent. The European Union and the international community want to talk to Ghana about sex education and LGBTQ++++, but we have to find an alternative vocabulary because these terms do not exist locally. We need to think about the words we use and take the context into account. We have adopted similar constitutions in Ghana, Nigeria and the Congo, but the West is telling us that we must now decriminalise. We need to think about the language and how we can advocate in Africa in order to make progress, taking into account our specific context.



Jean-Claude PONGAULT-ELONGO

We are preparing a workshop for next year that will reflect on how to de-Westernise struggles in our difficult contexts. The problems are spreading in Uganda, Ghana, and Burkina Faso, among other countries. We want to come together to think about how to address these issues and offer continent-wide solutions. In particular, we hope to further Charles Gueboguo's research on homosexuality in Africa.

I would like to take this opportunity to ask AFD to support the participation of African activists in the workshop that we are organising in the Congo next year. The objective is to explore our contexts and find contextualised solutions in favour of the rights of sexual and gender minorities, such that these are considered as human rights.



Farid LAMARA

This morning's session is not one that can be easily summed up.

A message that I will take away is the need for policy coherence, which represents a real challenge for development actors. Development activity can only be carried out as the result of great efforts and much goodwill, but if met by contradictory policies, the task becomes more difficult and the problems encountered are on another level. Your messages will of course be passed on and considered.

Thank you for these very valuable exchanges.

**Workshop
on the
rights
of children
and
young people**



GROUPE ENFANCE



LA PAROLE AUX JEUNES

SITUATION DES DROITS DE L'ENFANT
A MADAGASCAR ET AU BENIN





Farid LAMARA

Introduction

This workshop on the rights of children and young people has mainly been organised by *Groupe Enfance* and the *Youth Commission of Coordination SUD*. *Safe Online* is also attending the workshop, and their representative will present an original initiative.



Michelle PERROT
*Youth and International
Solidarity Commission,
Coordination SUD*

Hello everyone.

I am delighted to co-host this workshop. The exchanges during the first part of the morning were fascinating, and I have no doubt that they will continue in this vein.

I am Director of Advocacy and Youth Engagement at the NGO Plan International France, which works in more than 80 countries to realise the rights of children and young people, in particular with regards to gender equality. I am also a member of the Youth and International Solidarity Commission of Coordination SUD, the national platform for French international solidarity NGOs. Plan International France is also a member of Groupe Enfance.

I am very honoured to be here with you today.

Mélanie LUCHTENS
Groupe Enfance



Hello everyone.

I am also delighted to be with you. I am the coordinator of Groupe Enfance which is part of CHD, a grouping of 19 NGOs working specifically on the issue of children's rights in the context of international solidarity.



Michelle PERROT

I would like to start by thanking Agence française de développement for allowing us to focus on the rights of children and young people.

In particular, my thanks go to **Farid LAMARA**, from AFD's Strategy Division, for giving us this opportunity today. We are fortunate that there is an extensive geographical and age diversity in the room, including a number of committed young people. Please feel free to contribute to enrich our discussions.

This session represents a continuation of our collaboration with AFD on these issues. We have produced educational sheets on the rights of children and young people, which are available on the AFD website. We are also working to contribute to a future MOOC that will offer online human rights training.

The aim of this workshop is to share the specific features of the rights of children and young people, who as subjects of rights are not always considered in international solidarity projects. We also wanted to let you hear directly from these children and young people who have come to share their experiences and recommendations. **Andraina** and **Zidane** will soon tell us their stories of commitment and action and their recommendations to make the rights of children and young people a reality in their own and other countries.

We are also delighted that Safe Online will be taking part in this workshop. They will focus on online violence against children. The workshop will close with contributions from Philippe Jahshan, Director of Strategy at Agence française de développement, and Cécile Frobert, from the French Ministry of Europe and Foreign Affairs, who will react to our discussions and the comments of the young people. They will also share current and future commitments on these issues with us.

Before turning to our speakers, we would like to give you a brief presentation of the human rights approach as applied to children and young people.





Mélanie LUCHTENS

Before discussing approaches based on the rights of children and young people, it seemed important to us to recall the definition of children and young people. Children are defined as any human being under the age of 18, unless the majority age is lower under the laws of the country in question. This framework is set out in the Convention on the Rights of the Child. There is no universally accepted definition of young people. Rather than referring to a particular age group, we evoke the concept of youthfulness, recognising the diversity of this notion and acknowledging it as a process of transition between childhood and adulthood. It is during this stage that young people acquire full autonomy on all levels (socio-economic, political, civic and environmental).

Children and young people have different legal frames of reference. For children, the United Nations Convention on the Rights of the Child, adopted in 1989, is the most widely ratified treaty in the world. It highlights four fundamental principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the principle of participation. The adoption of a children's rights-based approach, beyond the framework of reference applied to human rights, thus illustrates our particular attention to these four fundamental principles.

There is no international legal reference framework regarding youth, and we rely on regional frameworks, such as the 2005 Ibero-American Convention on Rights of Youth, and the 2009 African Youth Charter.

Integrating a human rights-based approach while taking into account the specific features of age therefore means considering children and young people as rights holders and actors in their own development. Duty bearers and responsible actors such as the State, the family, communities, civil society organisations and private actors must show respect of children and young people and their rights, with a view to ensuring the effective fulfilment of the latter.

Defending an approach based on the rights of children and young people, in the same way as the human rights-based approach in general, means paying particular attention to analysis in order to address the root causes of rights violations. It also means working within a multi-actor logic in order to establish a political and social framework that is favourable to the rights of children and young people.





Michelle PERROT

The frameworks applied to children and young people have points in common as well as a few differences. One point in common is the need for support. It is often said that young people represent the future and will change the world. Perhaps this is true; but it is also true that they are changing it already. However, support is essential for their emancipation and empowerment. In particular, they need to know their rights so that they can claim them from the duty bearers. To achieve this, guidance and support are essential.

As far as differences are concerned, everyone knows that needs are different at every stage of life, during infancy, childhood and adolescence as well as beyond. Consequently, it is natural that protective frameworks should differ for minors, and thus our role is age-specific, both in society and in organisations and projects.

It is also important to be aware of stereotypes related to age, which our international solidarity projects for children often contain, where the main theme for children is their protection, while for young people the focus is on employability. These considerations are important, but they are locked into a single category of rights, and are not then considered in a comprehensive manner. This is particularly true of the right to participation, which is enshrined in the Convention on the Rights of the Child and, like all human rights, should also apply to young people. However, we know that the civic and political participation of young people is far from optimal, particularly in decision-making spaces, whether in projects, organisations or, even more, in environments for the construction of public policies.

I now invite Andraina and Zidane to join us to describe the situation of the rights of children and young people in their countries.



Sharing experiences



Andraina MAHATANASOA

Young leader and rights defender in Madagascar

Hello. I am 17 and I come from Madagascar.

I'm in my final year of high school. I am very moved and happy to be here, because I come from a very poor family, where no one has ever travelled abroad. I am here to tell you about the reality of children in Madagascar and to be their spokesperson, because we are entitled to enjoy our rights like any other child.

In Madagascar, most children know that we have rights, because we learn about them at school, at home with our parents, on Facebook and on the Internet. However, not everyone has the same knowledge of the subject. We know that we should have a birth certificate, live in a family and be loved and helped in cases of sexual abuse, for example. We know that we have rights and that adults must respect these rights and ensure that others respect them.

Many of us, however, doubt the accuracy of this statement, because we see that some children do not fully enjoy these rights. Where I am from, many children live on the streets and often have many problems. They don't have enough food and can't go to school because their parents can't afford it. Some children never go to school or have to leave. It is often the case when their parents never attended, don't know that their children have to go or don't send them because of their poverty. The education system in Madagascar is failing. This is something that the recently re-elected President of the Republic has acknowledged because he wants his children to study in France. But we don't need to study in France to be successful in life.

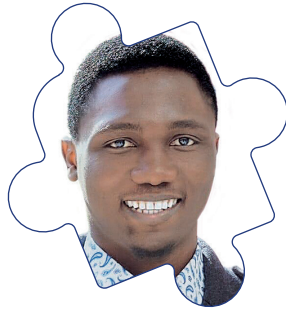
Most of us face violence on a daily basis, including sexual violence such as rape and sexual exploitation, and are confronted by risk behaviour such as drug use. In our high school, for example, boys harass and grope girls, and it's even worse when they take drugs. It is mostly girls who are the victims of sexual abuse. We feel forced because we have no choice, and our circumstances are such that we have to consent. Sexual abuse is due to poverty, harsh treatment by parents, inequality between girls and boys, malicious peer pressure and sometimes also the desire to be "number one". What's more, in our country, sexuality is a taboo subject between parents and children, and the lack of information for young people facilitates sexual abuse.

Where I am from, many children live on the streets and often have many problems. They don't have enough food and can't go to school.

In the south-western region of Madagascar, it is common for parents to build small cabins where they force their daughters to have sex with tourists, whether foreign or from Madagascar, for payment. In other regions, parents may encourage their daughters to marry white foreigners, even if they are old. They believe that all white people are rich. Nowadays young people are very active on social media, especially Facebook, which can lead to online sexual abuse and violence. A classmate told me how she sells intimate videos of herself. She has sold these to foreigners in exchange for significant payments in euros. Many pornographic images of children from Madagascar circulate on the Internet, and children are not really safe when using Facebook. Girls are very vulnerable to early and unwanted pregnancies, leading to abortions, as well as to sexually transmitted diseases and the abandonment of children by the father.

Thank you.





Zidane SATIGNON KUESSI

Young leader and rights defender from Benin

Hello. I am 24 years old and since last year I have been studying for a master's degree in public law in the research and competitive examination pathway at Université Paris-Saclay through the French government's Eiffel excellence scholarship.

It is with deep humility and a renewed commitment to the rights of children and young people that I stand before you today. In my personal story, forged in the complex realities of Africa, and more particularly in Benin, I have been both witness to and actor in the multiple challenges that our young people and children face every day. These include poverty; limited access to drinking water and adequate sanitary infrastructures; the absence of, or obstacles to, a decent education; rape; violence against children, in particular through early marriage and female genital mutilation; and also the devastating consequences of armed conflicts and displacements due to natural disasters. By armed conflict, I mean terrorism and coups d'état in particular, but above all the violent extremism in northern Benin and Niger. In light of the vulnerability of children and young people to the effects of climate and environmental change, there are so many realities that hinder the development of children and young people in our communities.

I used to walk several kilometres to get to school. I had to get up very early, as I sometimes had classes at 7 am, and there were also risks to my safety to contend with. I would arrive at school very tired after the walk; there was no transport nor the financial means to get around easily. I went to school without pocket money or food. I lost classmates due to the failure of health infrastructures. I have had so many experiences that I could share with you. Unfortunately, this is nothing compared to what other children and young people experience in northern Benin and many other countries in Africa. Some have no access to water, or they have to dig into the ground or walk long distances to get it. These are situations that I won't describe to you.

***I went to school without pocket money or food [...]
Some have no access to water, or they have to dig into the ground or walk long distances to get it.***





Michelle PERROT

Thank you.

Andraina and Zidane will now discuss their personal journeys that illustrate their commitment and describe their actions in response to the situations they have experienced in their countries.



Andraina MAHATANASOA

Faced with the difficulties that affect the children of Madagascar, I could not keep quiet and do nothing. So I became a child delegate for my region. One of my priorities is equality between girls and boys. It is a tricky subject, because many think that equality is pointless and it is normal for men to have more rights than women. Through child ambassadors, we support each other to change things. Our assistant teacher at high school encourages us in our role, and things are progressing every day. We are changing things. For example, every Monday when the flag is raised, I teach young people how to stand up for themselves. I never turn a blind eye; I report and denounce cases of gender-based violence in my community, on the street, on marches and on international days. On these occasions, I make a lot of noise so that children's rights are heard. Other child delegates and I are always campaigning. In a quieter way, I talk to politicians, neighbourhood leaders and local authorities, and sometimes even ministers. We have presented reports on children's rights on World Children's Days, including recommendations.



Zidane SATIGNON KUESSI

As far as my commitment and actions are concerned, it is important to make clear that I come from the background that I outlined to you. I have seen these realities up close and I have felt them in the flesh. Even though it is difficult to reconcile everything, I have not remained passive. I decided to get involved with organisations and movements working for the rights of children and young people and for the promotion of the Sustainable Development Goals (SDGs). I joined the Youth Parliament in Benin, an organisation that exists in all French-speaking countries in Europe, the West and Africa. After coming to France, I joined the Youth Committee of Plan International France, an organisation which, among other things, promotes the SDGs. I am also very active in several other bodies.

I am also vice-president of the national movement for the promotion of girls in Benin. My involvement has been made possible by opportunities offered by these organisations and movements, but also and above all by my ceaseless desire to learn and contribute to change. I have seized every opportunity to learn and, above all, to act. These experiences and practical actions on the ground have allowed me to make the voice of young people heard, in particular at international events such as the United Nations Economic and Social Council Youth Forum and the

2023 European Youth Event. As a result of these experiences, I have also been able to contribute to concrete projects to improve girls' education, combat early marriage and promote the SDGs.

Through the Benin Youth Parliament, we successfully advocated for the creation of departmental committees to coordinate sexual and reproductive health interventions for adolescents and young people in Benin. Furthermore, as part of our advocacy towards legislators, and together with certain technical and financial partners, we proposed a code on sexual and reproductive health that was adopted by Benin's young parliamentarians. This code was not adopted by Members of Parliament, but it facilitated the amendment of a law on sexual and reproductive health in 2021. This was a success for us, because abortion has been accepted, even if in a restricted way. Some girls and women now have recourse to it under very specific conditions.

I also carry out other awareness-raising and advocacy activities at national and international level, for example taking part in the Stakeholder Forum for Sustainable Development organised by the United Nations. In conclusion, on Agenda 2030, and in particular with regard to the SDGs, I have focused on SDG 8, which refers to economic growth – sustainable of course, as well as SDG 1 on ending poverty and SDG 2, which seeks "zero hunger". These are all very important issues for the Republic of Benin and the other countries of Africa.

Thank you.





Michelle PERROT

To conclude, Zidane will share some of the recommendations they have drawn up together.



Zidane SATIGNON KUESSI

While the realities are different, the issues are similar in all African countries. Within the framework of these common recommendations, support for actions is crucial, whether conducted individually by children and young people in their own countries, or through activism and commitment. We need a collective mobilisation, in which all stakeholders, whether governments, civil society actors or technical and financial partners, play an essential role. That is why we would like to take this opportunity to congratulate the children and young people involved, and ask them to continue to raise awareness, advocate and get involved in their communities, because our voice is a force for change.

We urge governments to prioritise children's rights in national policies, invest in inclusive, high quality education for all, and establish mechanisms of protection against gender-based violence.

To the technical and financial partners of Agence française de développement, the organisation that has given us the opportunity to express ourselves, we emphasise the importance of considering children and young people as full partners, of incorporating our voices into the design and implementation of our projects, and of supporting the initiatives of youth organisations in the field.

Ladies and gentlemen, dear audience, the future we want to create for humanity must be woven from compassion, equity and respect for every living being. It is in this vision that true sustainability lies.

Together, we can create a better future for the children and young people of Africa, a future in which their fundamental rights are respected, where they have access to education, health care and clean water, and where they can flourish, free from violence and discrimination.





Andraina MAHATANASOA

Whatever our situation, we all aspire to a better life and to make our dreams come true. One day, we would like to live in a world where poverty is a distant concept, and to live with dignity. And we would like to work in our chosen profession, irrespective of whether we are a boy or a girl, to become an engineer, astronaut, doctor...

We would also like to be educated on how to defend our rights when they are not respected.

There are laws in place in Madagascar today, but they are not enforced. We don't trust the justice system, where we observe too much impunity and corruption. When we report cases, we know that we will not have enough money to be taken seriously, and that the abusers will be able to pay off the judges and make out-of-court settlements. We know that many actors in the justice system are corrupt. We hope that one day children will be able to access justice, that violence will not be tolerated and that our rights will be respected. Then we will be able to fully enjoy our rights.

Thank you all.



Mélanie LUCHTENS

Thank you very much, *Andraina* and *Zidane*, for your testimonies and sharing your very rich and inspiring experiences. This helps us understand the importance of participation and, above all, to consider children and young people as actors who are fully capable of understanding and claiming their rights. It is the duty of everyone to support them so that they can play an essential role in the dynamics of social and political transformation.

I would now like to invite questions and testimonies from the floor.



Discussion with the audience



Participant (Colombia)

Hello everyone, I am an Indigenous man from the Sierra Nevada de Santa Marta in Colombia, and an award recipient of the Marianne 2023 initiative.

I admire your work as young people. In the context of drug trafficking in Colombia, when I was 15, an armed paramilitary group killed most of the adults in my village and many of my friends were orphaned. I had to move to the city and I became a volunteer with the Red Cross to work with young people and orphans to try to help them recover from their traumas. It was then that I became a human rights defender.

Things have not changed much over time, and there is still a problem with a patriarchal society in Colombia. Men are in power; we have had a string of male presidents over decades. There have only been two female vice-presidents of the Republic and just one woman at the Court of Audit.

On the subject of young people, the former Minister of Defence was the director of an institute that was established to protect young people. Some three years ago, military forces bombed a guerrilla group, killing more than 12 young people. A motion of censure was tabled in Parliament, but the government justified the bombing by saying that the young people were "war machines". Military groups conscript young people. They are recruited by force, against their will. It is impossible for children and young people to go to school in these regions; they are conscripted from the age of 12. From messages that we have seen, we know that their families were being told to stop sending their children to school, and that if they did not join the armed groups, their parents would be killed. How is it possible that a Minister of Defence considers these young people as cannon fodder and war machines, instead of protecting them? The evidence is there, but the government is incapable of protecting them.

In respect of the future of humanity and of our countries, I have used the majority of my scholarship to fight for equality. Women should have the opportunity to participate and be educated. Two weeks ago, I established a space called "A school for learning", where women are trained to become future leaders. Young people need to be trained to exercise power in the future. Our government has appointed three women and the country is outraged. We talk about progress and development, but if we look down on women, how can we achieve it? In this school, women and young people will be trained to become our leaders.

Thank you.



Participant (Colombia)

Hello to everyone and you two in particular. I am also from Colombia and I work with children and young people, a category in which I include myself.

Young people are indeed the future, which gives us a responsibility, without having any certainty about that future. Will there be a future? Young people and children are exiled, and we are displaced from our homes. This is the result of many factors, but political decision-makers do not recognise us, young people and women, as actors in the decision-making process. They minimise us and infantilise us, telling us what we should do.

Children will be the leaders of our country, but in what nation, in what world, are we living? Children and young people must be able to flourish in their home territories. Your testimonies break my heart, because States are responsible: the States of the North, which ignore their responsibilities, but also those of the South. We have been developing for years, but somehow we never move on. We are still victims of contradictions in the defence of the human rights of children in our countries, in particular at present, but we are turning the corner not only in terms of decolonisation and decentralisation, but also development.

Young people and children must be recognised as significant players in the decision-making process. We do not need conferences like the one taking place at this very moment, which I am not going to name, but where important decisions are made yet the voices of young people are not heeded, nor the voices of children, because nobody really wants to stop the extractive activities. The same countries that claim they want to stop and promote sustainable development, continue to invest in mines, power plants and hydrocarbon extraction, whereas we, the young people and children, are increasingly vulnerable.



Source: Tree felling in a plot in Colombia / <https://commons.wikimedia.org> (Matt Zimmerma).



Participant (Chad)

Thank you to the two young people and well done on your fight for children and young people.

I would like to describe a project for young people in Chad, which concerns girls at school. This initiative is called: "Gender and corruption in schools in Chad, what alternative for a better future?"

We have witnessed a lot of wrongs done to girls at school, but nobody talks about it. However, they are also subject to many temptations. They may sleep with their teacher to get good grades, but if they get pregnant, they are attacked by all sides. Both families and society reject them. After they have given birth, they have to stay at home for at least two or three years, without any support, while the teachers are not even reprimanded. They continue to go about their work without hindrance. We are lobbying the Ministry of Education to ensure that measures are introduced to sanction teachers and that girls are encouraged to pursue their studies in the same way as others. It has been an enriching experience, because we have been able to see the extent of the damage caused by certain teachers.

Do you take action on behalf of girls who have been sexually abused at school, bringing such cases before the school administration or the courts?





Zidane SATIGNON KUESSI

Thank you for your contributions.

Young people are the future, but I agree with Michelle to say that above all we are the present; this is something that is often forgotten. The day I received the message congratulating me on being selected for the Eiffel excellence scholarship, I could not sleep all night because I had so many questions whirring around my head, but I came to the conclusion that I should start an activity. A little-known event called "International Youth Skills Day" is held every year on 15 July. Commencing last year, the plan has been to promote youth and skills on 15 July under the motto: "Youth and skills, what policies to avoid the brain drain?" Statistics show a huge brain drain from African countries, particularly Benin.

In respect of the rape of young women, many projects and programmes support these women, in conjunction with the Benin Association for Promotion of the Family (ABPF) and Plan International Benin. Benin has passed, and is implementing, a law to apply sanctions on teachers. Teachers can no longer have direct relations with pupils, so private relationships are banned. Teachers intimidate young people in Africa, and especially in Benin, as they are regarded as "lords and masters" who cannot be opposed. In this way, they exert direct intimidation. I myself was the victim of a teacher. I asked him to correct a marking error he had made on a test. It concerned a philosophy quote. He refused to correct my copy. While we did not have access to a library, I had done a lot of research and I was right. Unfortunately for me, I had this teacher for the last four years of secondary school, and I never managed to achieve an average mark in his subject.

But now there is a framework in Benin to support children, even if it is not easy for them, because they find it hard to express themselves. Even when they go to the police to report abuse, they are asked what they have done to have been assaulted. What kind of question is that? It is still a difficult situation.



Andraina MAHATANASOA

I also intervene in this type of case in my school, town and community, helping children make complaints to the police.



Participant (Tanzania)

Congratulations on what you are doing.

I am a human rights defender working on health-related rights in Tanzania in particular. I have never forgotten what happened to me when I was young, and this explains my commitment to defending human rights. I questioned my traditions when a friend of mine was "cut". She bled out and died. Her body was thrown into the forest to be eaten by wild animals. It was then that I decided to fight against traditional marriages and other traditions. My community prepares girls for marriage, and I myself was "cut" because I could not find anyone to protect me. My parents and other members of the community did not want to hear what I had to say, and in the end I was circumcised.

I set up an organisation to educate communities on the effects of these traditions and customs that are contrary to girls' rights. Support is needed to protect girls whose parents want to force them to be circumcised. Programmes have been set up and initiatives introduced to schools. Nevertheless, some parents do not want to change their behaviour and continue to have their daughters circumcised so that they can be exchanged for money or goods.

We are all working for development. How can we create homes where girls can be protected and realise their dreams? Our programme has enabled girls to go to university, and they are studying to be pilots, lawyers, doctors, etc. If they had not been protected, they would now be mothers with children. My work in human rights sometimes makes me suffer, because most international organisations focus the majority of their efforts on education. That is great, but change takes time. The question is how to help these young women take control and be autonomous, so that they can set up companies; how to give them access to small amounts of capital to start generating income or continue their studies.

Thank you.





Participant (Luxembourg)

Thank you for your very rich and informative presentations.

I am an expert in "gender and human rights" and I represent the Luxembourg development cooperation agency. Over a period of 15 years, I have built up expertise on gender-based violence in a range of countries through my work with the United Nations. We are currently running the "Sixteen days of activism against gender-based violence" campaign, which ends on 10 December.

My experience in the field in different countries, shows that, most of the time, children and young people are not asked what they think about the issue. Yet they are the ones most affected by violence against women, domestic violence and conjugal violence. We talk a lot about participation, but at some point strong action has to be taken. With participants here from all over the world and from different backgrounds, we have an opportunity to investigate to what extent children can be involved in this theme.

In relation to the previous speaker who described female genital mutilation, I have worked on this issue in the past, but young people were not necessarily involved in the programmes that were set up.

I congratulate you for your commitment on this issue. We need more of the same, more children and young people taking a stand on this issue.

Thank you.



Mélanie LUCHTENS

Zidane or Andraina, would you like to respond briefly, before we close this session?



Zidane SATIGNON KUESSI

If you ask children and young people in Benin and Africa, they all want to get involved, but it is difficult. I am an orphan and I can bear witness to how hard it is to reconcile studies, personal life and community life. I can assure you that it is really difficult, taking into account the personal and economic situations of our countries. We therefore have to congratulate and encourage those children and young people who are involved, so that they continue to raise awareness and act as advocates. This is very important.

*Thank you for listening to us, and for your contributions.
May God bless the children and young people.*



Andraina MAHATANASOA

I would simply like to thank you for listening to us.

Thank you very much.

Safe Online / End Violence Partnership



Michelle PERROT

We are now going to hear the experience of *Safe Online* from this organisation's Advocacy Director, *Serena TOMMASINO*.

Welcome, Serena.



Serena TOMMASINO

Safe Online, End Violence Partnership



Thank you. It is a great pleasure to be here. I would like to thank AFD and Groupe Enfance for the invitation.

Over the last two hours I have been even more delighted than I thought I would be to hear so many voices from all around the world expressing their passion and commitment to protect human rights.

I will make my presentation brief to allow more time for exchanges and to let you express yourselves, instead of just listening to me. I will be available afterwards if you would like to talk or email me.

Many of you have raised the issue of sexual violence, which is still a very real issue in children's lives. We are not yet up to speed on this subject, which is still taboo in many countries.

At *Safe Online*, we are working on how Internet technologies and social media are changing reality and increasing risks for children. Access to the Internet brings many benefits, whether for learning, socialising or making friends, but it also involves dangers which develop and manifest themselves in different ways in different countries and regions.

Safe Online, is a global fund supported by several donors, mainly the United Kingdom. Our aim is to protect children online, identify the risks of exploitation and violence and develop possible solutions.

Access to the Internet brings many benefits, whether for learning, socialising or making friends, but it also involves dangers which develop and manifest themselves in different ways in different countries and regions.

The victim may be in the Philippines, while the abuser is in Europe or Africa. There are no borders, and that is something new.

Violence against children and young people exists in many different contexts. It may happen at home, school or in the workplace, and it is occupying new spaces. The victim may be in the Philippines, while the abuser is in Europe or Africa. There are no borders, and that is something new.

Violence can also take different forms, such as live streaming, which is more common in Southeast Asia, where a child is put in front of a camera to perform sex acts for someone on the other side of the world. This type of abuse is more common in regions with high poverty levels, as it is a way of earning money. It is sometimes arranged by someone in the child's circle of trust. There is also the practice of sharing photos of children in sexual situations. This is particularly common in the United States and the United Kingdom, through providers such as Facebook and others. It is estimated that millions of these photos are circulating, and children are particularly exposed by this practice. In the past, abuse occurred mainly in the home and at school, during sporting activities or in clubs. However, now it is also taking place on the Internet, where the damage to children is permanent, as the content remains online and is constantly circulated.

A study that we commissioned in 13 countries showed that five million children in Southeast Asia and Africa were victims of sexual exploitation and abuse facilitated by technology. Our role is to fund projects to bring together different stakeholders to help draft and present advocacy initiatives to governments with a view to changing the situation. The problem is growing rapidly, even though violence is taboo in some countries. Child protection is still very weak. There is no budget or funding for these issues. Changes are tangible, but governments often still simply deny the very existence of these kinds of problems with children. Violence on the Internet can reinforce taboos, because it remains invisible, but it can also be an opportunity to open a dialogue with governments, making them understand that children are highly exposed to this kind of abuse.

We have invested some 50 million in a study across 25 countries to find out what children have to say. The first part of the study has now been completed, with 13,000 adolescents aged between 12 and 17 responding to questionnaires about their experiences and their needs for protection. I do not have time to go into the details of the study, but what emerges is that there are major differences between countries in terms of the extent of abuse, largely explained by the degree of Internet penetration via smart phones.

We have reported a few questionnaire responses verbatim in which children indicate that they have been confronted with sexual content in advertisements and direct messaging, or through grooming, when children are persuaded to share nude photos. Children are increasingly producing this material themselves, sometimes for friends or boyfriends or girlfriends, in exchange for money or other benefits, but without realising the risks they are taking.

The survey showed the percentage of children who have received such requests, with the offer of money in exchange for explicit photos, or with a threat of black-mail. "Sextortion" is a new trend, where children send photos but are then asked for money to prevent them being shared online. Boys between the ages of 12 and 17 are the most targeted by these practices.

In-depth knowledge of certain tools is required to delete photos and online live streams, and to find out who has published photos on the Internet.



The survey also revealed that the abuser is often very close to the child, in the child's immediate circle. This confirms what we have known for a long time, namely that the danger comes more from known people than strangers.

The need to allow children to express themselves was also mentioned, as they are often afraid to talk and adults are not ready to listen, whether mothers, teachers or health professionals.

So we invested 50 million in this study to learn from the mouths of children and to use this information to design our advocacy efforts and develop our commitments. Child protection is never the top priority, but the subject has to be addressed in the context of other discussions, such as safety and gender equality. We took part in the Paris Peace Forum two weeks ago and went to the White House to discuss artificial intelligence. We try to be involved and help integrate child protection into broader programmes in order to raise awareness of the issue. We have invested some 100 million in more than 85 countries worldwide on this subject.

In-depth knowledge of certain tools is required to delete photos and online live streams, and to find out who has published photos on the Internet. The police often don't have the resources to intervene, so we work with a lot of agencies and partners, with the big players in technology and the Internet – Google, Facebook, Twitter, Microsoft, and so on. We exchange information with all these stakeholders to initiate collaboration, but investments are needed to strengthen the systems and skills of those who intervene on the ground with children and the authorities. It is therefore important to conduct advocacy and exert influence on decisions. To this end, we are appealing for funding for our activities.

The programme will continue to expand, as new technologies are introduced, including artificial intelligence and end-to-end coding. I encourage you to contact us to integrate these issues into your work. You need to take an interest in what is happening online, because every phone is connected, which brings opportunities but also risks and dangers to those with whom you work.

Michelle PERROT

Thank you for this very clear and interesting presentation.
Unfortunately, our discussion time is limited to five minutes.



Discussion with the audience

Speaker (unidentified country)

I didn't hear any mention of the genital mutilation of children in our discussions, which has become a taboo subject in our countries, but which still happens. You could include this issue in your missions, as children suffer a great deal from it.

Thank you.

Speaker (unidentified country)

I am Rohingya and I am part of the Rohingya women's Collaborative Network. My question concerns your commitment and involvement with the United Nations, and the Committee on the Rights of the Child in particular, in your work on the emerging threats linked to artificial intelligence. In my opinion, this is where action can be taken, within the framework of legislation.





Serena TOMMASINO

The 2025 objective on children's rights in relation to the digital environment, which was adopted by the Committee on the Rights of the Child, was set in 2022. We participated in the consultation process and worked very closely with the United Nations and its agencies. We are also working with the *Global Digital Compact*, as part of an ongoing consultation. We have joined with 43 other organisations around the world to demand that the Global Compact moves child protection in the digital environment up the agenda.

We need more people to join us. We are neutral, we are not linked to the UN, governments or civil society, so it is easier for us to bring people together.

I would be delighted to involve you in these initiatives in the future, if you would be interested.



Ivonne Yanez (Acción Ecológica, Ecuador)

My first question is about the consumers. Who are they? My second question concerns the growth of online violence during the two years of the Covid pandemic.

Serena TOMMASINO

This is an excellent question. We call these people "perpetrators" rather than "consumers", because the photos are sold on the Internet. Several organisations are working on this issue to learn more. In Finland, for example, a survey is available on the Internet that examines the Dark Web, where much of this material is shared. You can see the profile of the perpetrators, the majority of whom are men, but there are also women. I can share very many studies on the subject with you. We need to work on finding the perpetrators and the victims by using appropriate technologies and tools. There are also major needs in terms of prevention in respect of informing and supporting the people who commit these crimes, because they need help too. There are helplines for these people in the UK and Germany, but this type of support remains rare. They can share concerns about their behaviour on the helplines and be assisted in managing their impulses.

The Covid period was marked by an increase, particularly in the United States, not only in online violence, but also in violence in the home. A police officer once told me: "Wherever there is a phone and a connection, there's a trap." The more time people spend online, the more exposed they are to threats, as well as to opportunities, and Covid has made the situation much worse.

The more time people spend online, the more exposed they are to threats, as well as to opportunities, and Covid has made the situation much worse.

Commitments and future actions based on the rights- based approaches



Philippe JAHSAN
AFD Director of Strategy

Hello to you all. Thank you for giving us the opportunity to react to what has been said and to share AFD's point of view with you. AFD is currently drawing up its strategic plan.

First of all, this workshop takes place against the background of the two days we are devoting to the issue of human rights and development, at an important juncture for such matters. It is, of course, the 75th anniversary of the Universal Declaration of Human Rights, which concerns us all – it is universal and applies to all countries. Consequently, it is important that we play our full part in reminding everyone of the commitments made by States. It is also an important time in the French institutional calendar when a certain number of decisions are made, which my colleague from the Ministry will explain in detail. I must also draw your attention to the adoption of France's second development law in 2021, the law for orientation and planning of development policy, the first article of which makes human rights one of the major objectives of French development and cooperation policy. Furthermore, the Presidential Council for Development and the Interministerial Committee for Development are governmental bodies that have confirmed this commitment, notably with specific objectives on the subject of human rights.

We are currently finalising our new strategic plan at AFD which will guide the Group over the next six years. One of the challenges for us is to translate the government's decisions into our strategy, in accordance with the law and the political decisions taken.

These two days are essential to provide us with food for thought and recommendations so that we can discuss these complex subjects. This is all the more important for us as a major public institution engaged in various levels of dialogue in the countries where we operate, including institutional dialogues, with States, who are our primary stakeholders, and with civil society as a whole. Our task is to explore how we can translate these ambitions. Thank you for the workshop and for all your recommendations, which will feed into our work.

We are currently finalising our new strategic plan at AFD which will guide the Group over the next six years. One of the challenges for us is to translate the government's decisions into our strategy, in accordance with the law and the political decisions taken.

AFD cannot remain blind to the issues you have described and explained.

[...]

Can be no sustainable development without universal access to rights.

Before considering the strategic plan, I wanted to share with you two messages that I took from the testimonies and discussions. Firstly, a public institution, and even more so a development agency committed to sustainable development, cannot remain blind to the issues you have described and explained. This is obvious, but it must not be forgotten. These issues must be a specific focus of our action, for obvious reasons. However, we must also remember that we are collectives of human beings, and as such questions of an ethical nature are raised, as well as of a legal nature, since there are legal texts and commitments. There are also questions of a developmental nature, since there can be no sustainable development without universal access to rights. This conviction must be constantly reiterated and put into practice.

The discussion we have had, and which will continue tomorrow in an international, multi-actor format, shows that we share this universal value, and we are demonstrating its universality. It is important to reiterate this concept at a time when the world is increasingly beset with conflict and to express this message of universality that brings us together. Development actors are working towards peace by sharing these issues. This is also AFD's conviction, which your testimonies reinforce.

We are currently drawing up our strategic plan, which I will mention briefly to explain how we are trying to translate these commitments into more concrete form. I mentioned the issue of context. The AFD Group's strategic plan will commit us for the next six years in a world that is no longer that of 2015, nor that of the major commitments to sustainable development that formed the basis of our previous strategy. There is much more conflict around the world, and rights issues are now sometimes instrumentalised or exploited, including to reinforce the differences between one group and another. Indeed, they are sometimes seen as messages that are no longer universal in nature.

A first reflection, which should be translated into an initial strategic orientation, consists of reconstructing or rediscovering a path for a world in common, an ambition of the AFD Group for several years, based on the territories and contexts, countries and situations in which we find ourselves in cooperative spaces. It is thus a commitment to an AFD Group "siding with others", and therefore siding with local realities and expressions. In the previous session, you drew attention to the question of how to name problems. I am strongly convinced of the importance of imagination and representation, the role of which, for better or for worse, seems to me to be increasingly important today, including in inter-state relations. This imagination is manipulated and instrumentalised, sometimes to intensify situations of conflict, but also in contexts that are not conflictual, but which some would like to be more so. It is therefore important for us to take our place in this changing world and in these contexts and to rethink all the actions, activities and ambitions which are those of French development policy. This can be done by reading the objectives set from the contexts, cultures and imaginations of the countries and worlds in which we find ourselves. This is the first orientation.

The second is universal in nature, as it concerns the SDGs and an ambition that will be reinforced around an AFD Group that is 100% SDG, reaffirming and reinforcing its commitment to sustainable development, based on three cross-cutting dimensions to which we will pay particular attention. The first dimension relates to environmental, climate and nature issues, such as biodiversity and climate. The second concerns social issues, and the third, citizenship and democratic issues. In this third dimension, we will place considerable emphasis on citizen

**We will place
a high priority
on the issue
of citizen
participation.**



participation. You described this issue mainly from the point of view of young people, but it is also important to consider its intergenerational aspect, as well as the place of citizens in drawing up public policies and in public debate, which plays a key role in promoting universal access to rights and the emergence of democracy. This is an issue of participatory, inclusive debate.

These three dimensions will be monitored for all of AFD's activities and funding, irrespective of the sector, whether it is education, health, infrastructure, water or energy. All of the policies that we support will be examined for their impact on these three dimensions.

In this way, we support a defensive approach to our action, which must not harm any of the dimensions – environmental, social or civic – whatever the activity. But we also have an offensive approach, making sure that all public policy includes positive, even transformational, co-benefits or impacts in respect of these three dimensions.

The issue of rights and the rights-based approach covers these three dimensions, as they defend the right to a healthy environment for all, as well as social, economic and cultural rights and civil and political rights. Our ambition is to translate this approach across all our activities, making ourselves accountable for it. Our work with the *Danish Institute for Human Rights* supports this ambition, as does our work with *Groupe Enfance* and *Coordination Sud* in particular, as well as partners from other European agencies. We need an accountability framework to map out and report on this ambition.

This is a universal cause that can take different routes depending on contexts and cultures. We need to choose and build the right strategies that are adapted to each country.

Our final strategic ambition concerns mobilisation, since the AFD Group cannot do everything on its own. We want to multiply our partnerships, financing and corporate mobilisation on these issues. This ambition is complementary to the other two, in the sense that it aims to deploy partnership and mobilisation capacities in three respects, on the level of financing, to increase our resources, encouraging the emergence and convergence of complementary resources and increasing social mobilisation. In this way, we want to capitalise on the partnership dimension, which has been greatly developed by AFD, in particular with civil society, as well as on expertise and knowledge, since this is a universal cause that can take different routes depending on contexts and cultures. We need to choose and build the right strategies that are adapted to each country.

This is just a brief overview to share our positioning with you and set out the route we are trying to take with the new strategy that is being prepared.





Cécile FROBERT

*Ministry for Europe and Foreign Affairs,
Democratic Governance Division*

*First of all, many thanks to AFD for welcoming us
and to Plan International and Groupe Enfance
for organising this workshop.*

I particularly valued the testimonies of Andraina and Zidane. I think it is very important to allow young people to speak in the public debate and to listen to them. They shed light on the public policies that France must pursue and on the need for the Ministry for Foreign Affairs and AFD to listen more closely to civil society in general, as well as to human rights defenders, which is what they are, even at their young age. They are human rights defenders and defenders of children's rights. Thank you for your testimonies.

I also liked the format of this workshop with its testimonies by participants from all over the world, from Latin America, Africa and Asia. Your stories shed light on our policies and how we should adjust them to take better account of needs on the ground, and how we should co-construct projects and put beneficiaries at the centre of things.

My colleagues, whom I would like to thank, reminded me in writing of the language to use to tell you all about what we are doing at the Ministry for Foreign Affairs. We are doing a lot, but in view of the time, I won't quote all the figures. France places the promotion of human rights at the centre of its policies, and in particular children's rights in its development policy. As my colleague from AFD pointed out, the recent law on solidarity-based development and the fight against inequalities places the human rights-based approach at the heart of development policy. We are integrating children's rights across all sectors, in terms of the right to education, the right to health and access to justice. But I have to admit that I do not believe that we are doing enough on the issue of children's rights. Perhaps, as children, they do not carry the same weight in terms of advocacy as other beneficiaries. We have a duty to take better account of them in a practical way.

We have concrete instruments at our disposal within our cooperation and cultural action departments (SCAC), in embassies, and in FEF (Fonds Equipe France) projects, to support civil society. The total number of projects financed shows that only a small proportion are dedicated to the protection of children's rights, so we still have a long way to go together in this area. I saw the impact of small projects, with modest amounts of funding, when I worked in Côte d'Ivoire and Tanzania. There is no need to rely on huge resources to carry out high-impact actions. In particular I saw effective projects set up to combat the sexual exploitation of girls in Côte d'Ivoire.

**France
places the
promotion
of human
rights,
particularly
children's
rights, at the
heart of its
development
policy.**

Beyond the Global Fund and the major donors, funding CSOs in the field and community-based CSOs and listening more to the beneficiaries will allow us to be more effective in our development policy.

I wish you every success in your work. I want to thank you again for these discussions, and thanks to AFD for arranging these workshops, which give a voice to the beneficiaries. This means that, once again, we can learn from them. We have a lot to learn from you. Thank you.

Conclusion



Michelle PERROT

First of all, I would like to thank you all for your active participation in this workshop.

There is neither the time nor the opportunity to provide a summary, but the main message is that children and young people are not just beneficiaries. They are also agents of change, transforming social, economic, political and environmental dynamics. They do not aspire to be given a roadmap to follow, but rather the means to support their ideas, strategies and organisations, so that they can act authentically and effectively in favour of their country's development and the realisation of their rights.

We hope that this message will be reflected in AFD's strategic orientation plan, in the renewed "Human Rights and Development" strategy, and more broadly in the strategic frameworks of international solidarity policy.

We also look forward to continuing our exchanges and collaboration on these issues. Please do not hesitate to contact us.



Appendice 1



« Human Rights and Development »

Intersecting perspectives of civil society organisations



Sarah Hayes and Farid Lamara
AFD (ISR/SPR)

Strengthened by a new explicit mandate for the promotion of human rights – following the adoption of the French strategy “Human Rights and Development” and its action plan (2019), and the prioritisation of the theme in the programming law on solidarity development and the fight against global inequalities (August 4, 2021) – the AFD Group has launched a consultation with civil society organizations on cross-cutting human rights and development issues. This work follows on from the International Conference on Human Rights and Development organized by AFD in December 2021, which led to the unanimous recognition of the urgent need to act in favour of the preservation of human and living rights in order to contribute to the achievement of the Sustainable Development Goals.

A large sample of CSOs from the South and the North (49 people in total) working for the realization of human rights and/or sustainable development participated in semi-directive interviews to share (1) their experiences and recommendations for the integration of the methodology of the human rights-based approach in cooperation and development projects; (2) the priorities to be set (according to the themes, populations and geographies) in the promotion of human rights (3); knowledge and knowledge issues (research), capitalization, evaluations, advocacy and communication; and (4) specific working modalities to be developed according to the actors (States, civil society, private sector).

The synthesis and cross-analysis of the contents provide rich results and recommendations to contribute to the integration of the human rights-based approach (HRFMA) in the activities of development actors.

the rights of LGBTI+ people are a particularly sensitive subject for local development actors to address

Perceptions and challenges of HRBA by CSOs based on their experience

The organizations interviewed *unanimously highlighted the added value of HRBA, which is considered a good entry point for promoting human rights. It promotes the co-construction of projects with beneficiaries, which ultimately contributes to the sustainability of public development policies. It makes it possible to objectify action and advocacy towards public authorities based on a quasi-universal legal framework. It makes it possible to systematize good practices and promotes the decompartmentalization of civil society. Pointed out as an economic lever, the HRBA is also considered as an instrument for conflict prevention.*

Although perceived as an essential lever for action by CSOs, *HRBA remains a real challenge for its full implementation. The obstacles to achieving this include reluctance on the part of public authorities or on the part of development actors themselves. The obstacles are also explained by the often too limited space of civil society, in a growing number of countries. The organisations interviewed warn about the increased repression of human rights defenders and the criminalization of their activities in some countries. They also believe that there is a “huge information gap” between rights holders and debtors of human rights obligations.*

Despite the difficulties and obstacles identified by the respondents to apply the HRBA, all of them note *a demand for human rights in all the countries of intervention*. The search for reconciliation of the universality of human rights with respect for cultural and customary rights is one of the criteria for success. For example, the rights of LGBTI+ people are a particularly sensitive subject for local development actors to address, but strategies for circumventing and adapting narratives nevertheless make it possible to act in sometimes very tense contexts.

Experiences and recommendations for implementing HRBA in development activities

Although the general environment is unfavourable to them, CSOs working to promote human rights have experience, expertise and tools in the integration of the HRBA. Their practices provide lessons and solutions for action. Several modalities of action as well as some “good practices” were mentioned by respondents during the interviews. The need to:

- Ensure very localized rooting of projects
- Facilitate beneficiary participation and inclusion in the project cycle
- Build capacity to ensure the mobilization of all actors and the sustainability of the action
- Support various modes of action and plural strategies
- Supporting and protecting human rights defenders
- Overcoming the reluctance of sovereign counterparties
- Supporting the media (an essential vector for the promotion of human rights)
- Ensure that the project team is trained and multidisciplinary
- Changing work methods
- Create or strengthen accountability and risk reduction mechanisms

Priorities for the promotion of human rights

The respondents consider that development actors should take priority action to support States in implementing their human rights obligations and the rights holders to enforce them. *While almost all respondents considered that the first priority today for all development actors is to reaffirm and promote the universality of human rights in order to regain ground on relativistic discourses increasingly prominent in all regions of the world, they also pointed to thematic priorities that they consider urgent to take into account in development programmes.*

However, some organisations have recommended moving away from thematic approaches and developing territorial approaches to meet the expectations of people on the ground, thus avoiding the biases induced by thematic programmes.

Human rights are universal in the sense that they apply to all human persons. However, their universal nature does not prevent the establishment of priorities among rights holders in the support measures that development actors can provide, because of their vulnerability status. *The organizations interviewed identified several groups of rights holders that should be supported in a more supportive manner.* In the first place are the most marginalised groups, which may vary from region to region, taking into account an inter-sectional approach.

Everyone agrees that development actors should focus *on a local approach to their activities, drawing on local communities (civil society and public authorities). However, this must be accompanied by an appreciation and support for solidarity between actors at different levels (international, national, local). Some note a significant gap in the funding granted to English-speaking countries in terms of human rights compared to French-speaking countries, to the detriment of the latter and call for it to be reduced. They also stress that the HRBA is also intended to apply in areas of crisis and conflict.*

Research, accountability, advocacy, evaluation

In general, respondents believe that in-depth knowledge of the different facets of human rights in development contexts is essential to contribute to progress in this area. Expectations regarding the production of knowledge are very broad and beyond contextual analyses and local issues, they also concern the operational modalities of the implementation of the HRBA, achievements, lessons learned and good practices, its results and impacts.

Respondents highlight a wide variety of themes covering a wide range of research activities, as well as evaluation and exploitation, and make recommendations for progress in these areas.

Beyond extensive documentation, the objective is to facilitate the creation of various tools (human rights diagnostics, identification of human rights violations, training courses, indicators etc.) to promote respect for human rights. *The fruits of research in all its forms are considered as constitutive elements of the action of development actors*, and a starting point for "putting the State in front of its responsibilities". In this context, the support, participation and capacity building of local CSOs in the production of this documentation is crucial.

It is essential to work with public authorities to contribute to the realization of human rights

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Interest, obstacles, and good practices of civil society collaboration with the State and companies for the promotion of human rights

Beyond the project approach, respondents were also asked about the modalities of civil society participation in public policy-making processes in the countries in which they operate. The organizations interviewed agree that systemic changes require institutional frameworks, with a focus on the different levels (local, national, regional, international). It is therefore essential to work with public authorities to contribute to the realization of human rights. Respondents were able to share their experiences in this area, and in particular their relations with public authorities. They highlighted good practices and highlighted the main obstacles facing civil society in this context.

More than a simple consultation, the organisations interviewed advocate the creation of participation mechanisms to ensure a true co-construction of public action, integrating the voices of the people concerned. However, the participation of civil society must not be limited to the development of public policies, but must continue to ensure monitoring and monitoring of their implementation and steering. Support for the creation and structuring of accountability spaces is thus crucial.

The organizations interviewed also shared their experience of cooperation with private companies, considered as essential actors for the realization of human rights. Companies are, in fact, both key actors in contributing to the realization of human rights, but also have a responsibility to ensure that their activities do not violate these rights. In this context, CSOs may be required to either cooperate with private sector actors to contribute together to the realization of human rights, or to establish a monitoring and evaluation of their activities with regard to human rights.

What role for donors in promoting HRBA? Courses of action and recommendations

During the interviews, the organizations interviewed stressed the importance of the role of donors in promoting a human rights-based approach to development among their partners. While all that was discussed during the interview is of direct concern to them, CSOs also suggested specific courses of action to strengthen links between civil society and donors, more effectively target their funding for projects led by local CSOs, adapt their internal functioning to best integrate HRBA into their operations and implement efficient accountability policies.



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I. Background

In accordance with the decision of the Interministerial Committee for International Cooperation and Development (CICID), France adopted a "*Human Rights and Development*" strategy in 2018, in which it is committed to integrating a human rights-based approach to development (HRDF) into its international cooperation policy. This commitment was reaffirmed in the Programming Act of 4 August 2021 on solidarity development and the fight against global inequalities, which gives three objectives to France's international cooperation policy, including the promotion of human rights.

On the basis of this explicit mandate, AFD has developed a growing number of initiatives aimed at facilitating the gradual adoption of the human rights-based approach by all the Group's staff, as well as its integration into its operations. These initiatives include a digital and face-to-face training programme, practical tools illustrating thematically the modalities of the integration of HRBA in projects, and the establishment of an internal task force.

AFD also organized an international conference on human rights and development issues on 10 December 2021. It allowed a large number of development actors (from the North and the South) to share their observations on the human rights situation in the world and to exchange on the solutions they can propose. A number of recommendations emerged. Following this founding event, AFD launched a consultation on the implementation of the human rights-based approach with representatives of civil society organizations in the North and the South.¹

II. Methodology

The consultation took the form of semi-directional interviews with representatives of civil society organisations. The interview guide, shared with respondents prior to the discussion, consisted of four blocks of questions:

- (1) experiences and recommendations for integrating the methodology of the human rights approach into cooperation and development projects
- (2) the priorities to be set (according to the themes, populations and geographies) for the promotion of human rights
- (3) knowledge and knowledge issues (research), capitalization, evaluations, advocacy and communication
- (4) the specific working methods to be developed according to the actors (States, civil society, private sector)

¹ Conference proceedings: "Human rights and development" | AFD – Agence Française de Développement

Overall, beyond complementing and deepening the available knowledge, this approach aims to refine AFD's strategic and operational approach in the context of the development of its next strategic direction plan (2023-2027). France's commitments to a human rights-based approach by AFD will thus be in line with the expectations and needs of local actors in the partner countries. It is also a matter of initiating a participatory approach by CSOs to feed a future roadmap "Human rights and development" for AFD.

The interviews, led by Farid Lamara and Sarah Hayes (RPD), took place from March to May 2022. Several AFD officers participated in the interviews as observers. After each interview, a written report was produced. Emilie Aberlen (DPA/OSC), who attended a large part of the talks, helped to finalize these reports. In addition, respondents enrich and illustrate the content of the interviews (project examples, studies, capitalizations).

24 interviews of 90 to 120 minutes were conducted. A total of 49 people from 28 CSOs and 3 NGO platforms (Children's Group², SPONG³, ADA⁴) participated. This sample included 7 CSOs working to promote the rights of indigenous peoples, for whom the interview was focused specifically on this theme. A supplementary analytical note was developed for this smaller sample.

50% of respondents are located in South, Asia, Africa and Latin America. The second half is in French CSOs supported by AFD's CSO initiative. The sample was compiled jointly with the AFD Division of Civil Society Organizations (DPA/OSC), the Human Rights Platform, and several other French CSOs.

A cross-analysis was conducted on the basis of these interviews and the documentation gathered. It allows us to identify results rich in lessons and recommendations to contribute to the integration of the human rights-based approach in the activities of development actors.

² The Children's Group, composed of 19 French NGOs, aims to strengthen the knowledge and skills of international solidarity actors in the field of children's rights and to influence decision-makers so that children's rights are placed at the heart of solidarity projects and policies international.

³ SPONG is a platform, created in 1974, bringing together 277 member NGOs in the development sector in Burkina Faso. She is a founding member of FORUS.

⁴ Asia Development Alliance (ADA) brings together 30 national CSO platforms representing more than 10,000 organizations from South, Southeast, Northeast and Central Asia.



III. Results

Civil society actors manage to work for the protection, promotion and implementation of human rights, even if they face many difficulties.

Although a majority of respondents said they were unfamiliar or unfamiliar with the *human rights-based approach* (as defined by the United Nations in 2003, and since then taken up by other actors such as the European Union), most feel that they are implementing projects that integrate the advancement of human rights into their objectives. It is clear that the experiences and illustrations of projects shared in the context of the interviews are indeed part of this logic. They demonstrate that civil society actors manage to work for the protection, promotion and implementation of human rights, even if they face many difficulties. Moreover, the nature of the various CSOs interviewed means that they participate in this dynamic in a different way and in a way specific to their *raison d'être*, whether they are specialized in the promotion of human rights or devolved to broader development issues. It is nevertheless interesting to note that the mandate of the CSOs interviewed does not prejudice their expertise in relation to HRBA. Some CSOs dedicated to the promotion of human rights are not familiar with the HRBA, nor do they apply it as such in their projects, while some development NGOs have developed a fine expertise of the HRBA and undertaken to gradually integrate it transversally in all their projects.

It emerged from the exchanges, a significant demand for capacity building of the CSOs interviewed to fully implement HRBA in their activities.

Overall, respondents welcome the desire to integrate the HRBA in a more assertive and systematic way in France's international cooperation activities. The coherence of this message with the ambition to achieve the 2030 Agenda is particularly stressed. This desire is also seen in the French strategy "Human Rights and Development" as a guiding lever of the Sustainable Development Goals (SDGs) which consists in leaving no one behind (essential to make the principle *Leaving no one behind a reality*).





IV. NGO Experiences with AHRDA

4.1. Perceptions and added value of HRBA

The human rights-based approach makes it possible to objectify action and advocacy against public authorities because it draws its legitimacy and justifications from a legal framework recognized by the States themselves. A very large majority of them (more than 170 States) have ratified the two founding pacts from which the entire existing body of international human rights law derives. The International Convention on the Rights of the Child (CIDE) is also the most ratified international human rights treaty (196 States Parties). HRBA makes it possible to resituate the responsibilities and roles of the actors in place but also the actions to be taken to give substance to the commitments of States: in particular to strengthen the capacities of debtors of obligations (States that have committed themselves through the treaties they have ratified) to respect, protect and implement human rights, and the capacities of rights holders to participate as actors (not just beneficiaries) to the public life of their country, and to be able to assert their rights.⁵

On this basis, and in support of the guiding principles that characterize HRBA, the respondents highlight the advantages of the approach in the context of development actions and projects.

First, the reaffirmation of the five key working principles at the heart of the HRBA⁶ constitutes in itself generally consensual entry points for integrating the approach into projects. This is particularly the case for the principles of non-discrimination, accountability and participation. *The reading grid offered by the HRBA makes it possible to formalize existing or known practices to extend them and if possible to systematize them.*

In addition, *the HRBA is also perceived as opening up new areas of advocacy* beyond the traditional action of development actors, and in particular in forums and places of dialogue between States, such as the African Commission on Human and Peoples' Rights (ACHPR) and UN bodies. In other words, the role of civil society is not limited to projects and actions on the ground. Its place around the negotiating tables between States is also crucial to advance HRBA in development policies.

⁵ The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted in 1966.

⁶ HRBA is based on five methodological principles: (1) Legality, universality and indivisibility of human rights; (2) Participation, inclusiveness and access to decision-making; (3) Non-discrimination and equal access to the law; (4) Accountability and access to the law; (5) Transparency and access to information.

More than 170 States have ratified the two founding pacts from which the entire existing body of international human rights law derives.

Citizen participation is clearly seen as a structuring axis of the progress of human rights. The capacity building of rights holders effectively enables more active participation in decision-making bodies and the exploitation of experience. It also shows that co-construction, and consequently a better match of projects with the needs expressed by the populations, is a factor of sustainability, also insofar as it participates in the evolution of the institutional and budgetary framework. One of the vectors of this process is the ability to ensure a citizen watch, essential to document the reality on the ground and influence the action of the authorities.

The implementation of the HRBA can also lead to a change in modes of action and a *decompartmentalization of civil society*. For example, by encouraging the federation of different actors to develop collective strategies (farmers' CSOs, lawyers' CSOs, human rights CSOs).

Respondents also believe that the HRBA helps *to prevent conflicts*, including putting the issue of justice at the centre of concerns. The coherence of public policies and arbitrations in crisis situations depends largely on the ability to apply the HRBA.

In addition to being a *tool for people's autonomy* and development ("legal empowerment"), HRBA is also considered an *economic lever*. Equality between women and men, for example, is a major source of economic development.⁷

In terms of project design, it is a very useful tool for *the analysis of contexts* and helps to ask the right questions to optimize the achievement of expected results and the impact of actions. In this context, the HRBA makes it possible to identify and respond to the root causes of human rights violations. It also allows *work on social norms and practices*, which can be the root cause of these violations.

Finally, the HRBA makes it possible to develop *a progressive approach*, starting from a restricted perimeter to an increasingly extended perimeter. For example, by positioning itself initially only on the promotion of economic and social rights, then by making the link with the accountability of public authorities, ultimately opening the field to the issues of citizen participation. This allows us to step out of a silo logic and integrate human rights into development projects with an indivisible approach to rights.

4.2. Obstacles to the implementation of the HRBA

Desired and seen as an essential lever for action by CSOs, the HRBA remains a real challenge for its full application. CSOs participating in this consultation point to a number of obstacles to achieving this, which may arise from reluctance on the part of public authorities (or institutions that embody them), or on the part of development actors themselves. (international or local). The obstacles are also explained by the often too limited space of civil society or by the lack of knowledge.

⁷ Legacy: Equality denied to Maghreb women (fidh.org)

Beyond States and institutions, resistance is also found at the level of State agents who are insufficiently sensitized or trained.

4.2.1. Reluctance of sovereign counterparties

According to respondents, the integration of HRBA in bilateral development projects can be difficult due to the reluctance of governments and the rise of autocratic regimes. The idea of involving rights holders in the development of public policy raises a lot of fears, particularly of cascading claims that would lead to waves of challenges within communities because of the inability to respond. Moreover, the promoters of the HRBA can be seen by the authorities as “troublemakers” who question their model of government.

- In these contexts, it is sometimes preferable not to use the terms of the semantic universe of human rights. A strategy of circumvention then consists in adopting instead a “public policy” approach, where the question of the general interest, both for the populations and for the country, is put forward.
- However, many respondents felt that if the HRBA implementation processes are well conducted, they can alleviate or prevent conflict by giving everyone a voice. They do not subscribe to the discourse that beats the HRBA under the pretext that it generates more risks than benefits.

In the register of state arguments for not adopting an HRBA, the question of budgetary limitations is recurring. The fact that the State has a budget under stress leads to more favourable arbitrations for the preservation of territorial integrity and the fight against terrorism for example, and the right to access essential services for all. This leads to the questioning of the interest for the populations concerned to invest in the spaces of participation at the local level.

Beyond States and institutions, resistance is also found at the level of State agents who are insufficiently sensitized or trained. This is particularly true of the justiciability of human rights. Some respondents report that state agents, particularly in the judicial system, regard human rights as a “white concept” and not legally enforceable rights. The awareness and training of judges in the HRBA is therefore essential. By extension, all civil servants (police, justice, education, health, finance, agriculture, etc.) should benefit.

In societies or conflict zones, repeated political crises and chronic instability often fuel human rights reservations. Given the change in political context (e.g., Afghanistan), some respondents felt that it was necessary to take a long-term approach and accept breaks and interruptions from projects for a longer-term purpose.

4.2.2. Huge knowledge gap

Respondents feel that there is a “huge information gap” for rights holders. A large number of people are genuinely unaware of the existence of the rights to which they can claim. This issue of raising public awareness and training local partners is the basis of HRBA’s deployment. However, this poses the challenge of adapting training to different audiences (farmers, young people, women, children, illiterates, advocates, vulnerable groups, etc.). At the same time, this lack of knowledge means that the demand for awareness and/or training is only poorly expressed at the level of local populations and actors. This implies generating this demand, which is intrinsically long.

The added value of HRBA remains far from the concerns of people who are primarily part of the logic of survival.

Respondents also raised the risk of creating a dependency between CSOs who master the legal framework and local communities who do not know it. They stress the importance of not only supporting intermediaries, but also directly strengthening citizens' knowledge and capacities in this field. Another risk is raised that calls for working particularly on the quality and reliability of information (fight against fake news and relativisms) to ensure that the issues and messages of the HRBA are faithfully disseminated.

Finally, in contexts of very high economic instability (Haiti for example), community CSOs and the population are often in demand for infrastructure projects and/or access to services, to meet immediate needs. In these extreme contexts, awareness of human rights and the added value of HRBA remains far from the concerns of people who are primarily part of the logic of survival. The issues here are primarily humanitarian. This does not exclude the application of the HRBA, and in particular these five working principles, which are key to ensuring a humanitarian response that fully respects the rights of the populations concerned.

4.2.3. Operationalization of the HRBA

The operationalization of HRBA faces a number of challenges specific to the specific contexts of the intervention areas. For example, in countries and regions where the state has little presence in rural areas, it is very complex to identify local authorities competent to start a dialogue on the implementation of their human rights obligations.

The operationalization of HRBA also involves bringing together diverse skills and professions, and making them work together. Moreover, the mobilization of multidisciplinary expertise (anthropologist, jurist, thematic and sectoral expert) can represent a significant cost in terms of human resources. This results in difficulties in accessing financing (costs deemed too high by donors), which ultimately discourage actors from fully integrating HRBA. Moreover, the costs and delays caused by the implementation of the HRBA are still insufficiently considered as useful investments for the sustainability of the project it ensures.

The implementation of the HRBA in a development project also depends on the project team and the knowledge by the staff involved of human rights in general, but also on their sensitivity to the specific and sometimes taboo subjects that will be treated (rights to sexual and reproductive health, rights of detained persons, freedom of religion, etc.). Several respondents noted that success often depends on the willingness of individuals within the project team. The fact that the integration of HRBA in projects is ultimately very "dependent person" shows a lack of leadership in the field within the institutions involved in the projects and a lack of knowledge in the teams formed for their implementation.

The duration of projects that generally take 2 to 4 years can also be a hindrance to the HRBA in so far as the construction of genuine consultation spaces requires a longer duration.

Finally, some CSOs noted that the HRBA should not be applied in a rigid and standardized manner for fear that it could become an "arbitrary injunction" or "mechanical tool". We must avoid finding ourselves in a logic of "ticking the boxes" and leading to a kind of superficial validation that obscures the substance. Thus,

Some are choosing to stop using the term “LGBTI+” to use the term “sexual and gender minorities”, which are more context-specific and inclusive.

beyond an overly technical approach, it is important to develop a real bottom-up approach, still insufficiently implemented in cooperation projects, in order to fit in with a clearly situated contextual analysis logic.

4.2.4. Making the universal emerge in particular contexts

Despite the difficulties and obstacles identified by respondents to implement the HRBA, all of them note a demand for human rights in all countries of intervention. They believe that the aforementioned difficulties and obstacles can be overcome if efforts are made to adapt the HRBA to a narrative or repositories that are rooted in local experiences and contexts. The search for reconciliation of the universality of human rights with respect for cultural and customary rights is thus one of the criteria for success. This dimension is crucial in a context where there is a growing questioning of human rights and a growing affirmation of the prevalence of customary rights. By way of illustration, several respondents mentioned the challenge of overcoming obstacles to women's participation in public life.

LGBTI+ rights are a particularly sensitive issue for local development actors. Strategies for circumventing and adapting narratives nevertheless make it possible to act in sometimes very tense contexts. For example, some are choosing to stop using the term “LGBTI+” to use the term “sexual and gender minorities”, which are more context-specific and inclusive. LGBTI+ terms are also associated with criticisms of the westernization of African society, and colonization, and do not correspond to the local identities of the people concerned (LGBTI+ untranslatable in local language for example), which are not recognized in the LGBTQI+ categories. The change in terminology has facilitated dialogue with authorities and parliamentarians, especially since the term minority is a plea in itself.

4.2.5. The weakness and shrinking space of civil society

A favourable environment is necessary for the exercise of human rights: this environment is under threat in a growing number of countries. For example, respondents report on the increasing number of attacks on human rights defenders, often on the front lines defending these rights. In general, they consider living *in “a hostile environment”*.

For example, they highlight the significant risks incurred by journalists involved in cooperation projects. The treatment of certain themes sometimes leads to dramatic consequences. For example, he cited the case in Bangladesh of the killing of journalists supported by the United States for the production of media content on LGBTI+ people.

Respondents observe a rise in nationalist and conservative discourse in all countries, including those called democratic. The anti-droits and anti-gender movement is becoming more and more powerful, with increasing challenges to women's rights.

They are facing increasingly pronounced blockages and the lack of political will to open up the civic space exposes them to vital risks (demonstrations repressed with live bullets, arrests, threats and intimidation of intelligence services, etc.).

The anti-droits and anti-gender movement is becoming more and more powerful, with increasing challenges to women's rights.

In this context, it is recalled that the activities of Southern CSOs are based almost exclusively on volunteerism, and the absence of structural funding directly impacts the sustainability of associations. They have no safety net for their members who are active in the association, and for some they feel that their members may be "more vulnerable than the groups they advocate."

In the already very exposed context that characterizes them, CSOs working to promote human rights are also weakened to ensure their mandate due to chronic lack of means and access to financial resources of donors.

4.3. Methods of action, experiences and recommendations for implementing HRBA in development activities

Although the general environment is unfavourable to them, CSOs working to promote human rights have experience, expertise and tools in the integration of the HRBA. Their practices provide lessons and solutions for action. Several modalities of action as well as some "good practices" were mentioned by respondents during the interviews.

4.3.1. Ensure very localized rooting of projects

Based on their experiences, the majority of respondents argue that the entire project cycle needs to be localized so that it can be designed, implemented and evaluated as closely as possible to the populations for which it is intended.

The importance of the project's local roots lies in the need to take into account local characteristics in order to support the resilience of communities, but also to avoid adverse or harmful effects. For example, projects dedicated to displaced persons should not be carried out at the expense of indigenous populations. However, only project management closer to the intervention site can prevent this risk.

It may thus be preferable to build projects from the existing one. This does not prevent drawing inspiration from examples from other regions or sectors, while at the same time trying to integrate the specificities of the context and thus avoid the temptation of a "copy and paste" of what is done elsewhere.

By listening to the ground, development actors are better able to support the emergence of local innovations adapted to needs, and to support their development. For example, in the difficult security situation in the Sahel, the State tends to concentrate its budget on urgent action to combat terrorism. In response, some CSOs have focused on developing solidarity between the wealthier villages and the more disadvantaged villages to contribute to access to essential services. Development actors must take into account this type of strategy developed by local actors.

Some organisations also recommend encouraging the development of pilot projects at local level to facilitate the generation of knowledge and optimize the impacts of these projects, with a view to scaling up.

The challenge is not to exclude any category of the population and to achieve the most inclusive process possible.

4.3.2. Beneficiary participation and inclusion in the project cycle

The principle of participation is an essential element for the implementation of the HRBA. This implies, on the one hand, that the rights holders are involved at all stages of the project, from the identification stage. They must have the information necessary for effective participation and that is accessible. This requires, in particular, taking into account language barriers, literacy, acting... From the respondents' experience, it is important to include in particular, in the planning phase, the voice of the most marginalized communities. To do this, it is recommended to develop methods of mixed and non-mixed consultation between communities and categories of the population (according to gender, age, economic situation, ethnicity, etc.). The challenge is not to exclude any category of the population and to achieve the most inclusive process possible. By developing a partnership with local citizens' movements, it is also easier to ensure broad participation.

The major challenge in implementing the principle of participation is reflected in so-called "cultural" barriers and discriminatory practices that limit women's participation in public life in many contexts. To overcome these obstacles, it may be useful to provide specific training for women on their rights, and to set up facilities adapted to their situations (see Box 1).

In addition to the direct participation of rights holders in the project cycle, it is also fundamental to support the participation of CSOs in public decision-making. This implies ensuring a role for local organizations in the governance of donor-funded projects where the government is responsible for its implementation, with particular attention to their representativeness, their ability to feed exchanges, and the arrangements for their participation in decisions. Other actors can also be mobilized by development actors to raise the needs and expectations of the beneficiaries targeted by the project (e.g. social workers in prisons).

Specific trainings have also been organised for women on their rights, including equality between women and men.

Box 1

Improving citizen participation through the Makòn project led by the National Council of Popular Financing (KNFP), in Haiti, in partnership with the CCFD, and co-funded by AFD (2018-2021)

The project aimed to build bottom-up local participation, with a particular focus on promoting the participation of excluded groups (women, rural, youth), to co-build solutions with public authorities and monitor their implementation. The goal was ultimately to allow these people to be able to claim their rights.

To do this, the project teams have developed training modules and tools to monitor the participation and inclusion of groups in the dialogue spaces created within the Makòn framework. Activities dedicated to the participation of young people were conducted, in parallel with professional training to offer them access to livelihoods.

Specific trainings have also been organised for women on their rights, including equality between women and men. In this context, cultural and social barriers to their participation in public life were taken into account. Two good practices have been identified in this context. First, a child care solution was put in place to allow mothers to participate in the Makòn dialogue spaces. The project team also organised group movements of women to prevent gender-based violence on roads.

The strength of the project is that it has allowed the grouping of CSOs and community organizations in a space of consultation, in a context of polarisation and fragmentation of civil society. It also helped to establish a dialogue between civil society and local authorities, and ultimately promoted the increased participation of women and young people in public life. in fine favorisé la participation accrue des femmes et des jeunes à la vie publique.

The project showed that local demand is focused on access to essential public services: access to education, health and infrastructure (water and electricity). However, in a context of high economic instability, the dialogue remains constrained by the insufficient means available to the local authorities to provide solutions to the requests formulated in the Makòn areas. These limits are likely to affect the public interest in participating in public life.

It is also relevant to support the capacity building of youth organisations to ensure their effective participation in the upcoming elections.

4.3.3. Capacity building: a key lever for mobilising all actors and ensuring the sustainability of action

Building the capacity of all actors – public institutions from all sectors, journalists, lawyers, parliamentarians, etc. – on what HRBA is and its impacts is most likely to bring about lasting change in the long term, by pushing these actors to change their paradigm to consider citizens as rights holders and to assume their obligations and responsibilities.

In order for rights holders to be able to assert them, human rights education at the grassroots and community level is a powerful vector. For example, supporting or setting up shops in working-class neighbourhoods to provide assistance and free legal advice to people is considered a good practice.

Before setting up training and awareness campaigns on HRBA, it may also be recommended to conduct CAP surveys (knowledge, attitudes, practices) to determine the level of knowledge about the human rights of communities and their cultural representations. It is indeed impossible to trace a formation from one community to another. Several respondents have thus developed tools for the popularization of human rights and the local legal and institutional framework, adapted to different audiences to ensure ownership. It is important to include children in these training initiatives, knowing that the effect can be reinforced by the awareness they then tend to assure their peers about their rights.⁸

Local CSOs also have strong needs in terms of capacity building on what HRBA is and how it is implemented, and more broadly the strategies, including financial ones of their organisations. To implement HRBA, the CSOs interviewed needed to develop specific tools. As these are adaptable to different contexts, some respondents recommend supporting the sharing of experience on these tools between more or less advanced CSOs on the subject, to promote their increasing deployment.

Some respondents recommended supporting capacity building for local CSOs to be able to participate in the Universal Periodic Review (UPR). It is also relevant to support the capacity building of youth organisations to ensure their effective participation in the upcoming elections. Finally, some respondents expressed interest in raising awareness among international development NGOs about the rights of LGBTI people to take into account the specificity of their rights and the violations they are victims of, in the face of a lack of consideration of these specificities.

⁸ cf. CCFD and Human Dignity Guide on Economic, Social and Cultural Rights, adapted for the specific situation of peasants.

Children are at the centre of the project with an active place, as actors and not just beneficiaries.

Box 2

Project implemented by the NGO Asmae in the Philippines - “Improving the social inclusion of children and street families in Manila - Phase 2” - co-funded by AFD

This project is dedicated to the inclusion of street children, an extremely vulnerable public, through the achievement of three objectives: school integration; child protection, and the accountability of local authorities, emphasizing their responsibilities as debtors of obligations towards the children concerned. Children are at the centre of the project with an active place, as actors and not just beneficiaries.

Through a holistic approach, the project activities aims at:

- *Strengthening the capacity of debtors to ensure the implementation of children’s rights.*
- *Development of multi-sectoral strategic plans for the management of street children to take account of their specific needs in public programmes and policies.*
- *Training of children to ensure peer awareness and to enable young people with fewer opportunities to participate in debates and decision-making.*
- *Advocating to public institutions for systemic change*
- *Development of appropriate inclusive school plans to ensure access to education and a more inclusive school.*

In this project, the approach based on the rights of the child (development of the HRBA to adapt it to the specificity of the rights of the child) allowed to evolve the institutional framework, accompanied by a dedicated budget, thus promoting systemic change over the long term. Close collaboration with municipalities was key to this. In applying the HRBA, the project focused on strengthening the capacities of children, through a holistic approach integrating the challenges of education and protection by taking into account all the actors whose decisions, behaviours and practices have an impact on the well-being of children (parents, social workers, municipalities, national institutions). The latter will then be able to participate in decision-making bodies, to assert their experience, to claim their rights and thus become real actors, and no longer beneficiaries. It is therefore part of a long-term impact perspective.

4.3.4. Support various modes of action and plural strategies

The advancement of human rights involves multiple modalities of action, which are supported at the same time help to maximize the impact on the realization of rights.

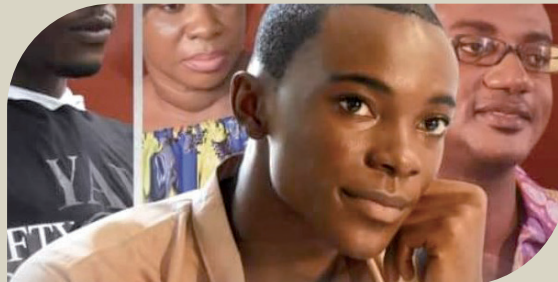
The HRBA is based on an international legal framework applicable to almost all States in the world. It is therefore often useful, as a starting point, to conduct a review of national legislation and public policies to identify possible shortcomings in relation to the State's international commitments on human rights. CSOs also engage in actions to document human rights violations, advocacy, human rights education and litigation. In the area of litigation, support for multi-level remedies is proving very effective.

Art is a very effective means of raising awareness in certain contexts. The use of cinematographic and/or audiovisual productions, or the creation of plays can make it possible to sensitize very broad and diversified audiences to many issues of promotion of human rights. For example, the so-called "Plaidoyart" initiatives make it possible to open public debates and to address both populations and authorities. The series "C'est la vie", or the production of the awareness film "*Michel.Ie.s*" on violence based on sexual orientation or gender identity in Congo are illustrations. One respondent suggested the creation of a prize for advocacy films on human rights at a francophone festival.

Box 3

NGO Coeur Arc en ciel's Plaidoy'ART project in Congo

*The NGO Coeur Arc-en-ciel uses awareness through art, through Pladoy' Art projects, to increase the impact of its advocacy to convince and reach the greatest number: "art enters without an audience". Coeur Arc-en-ciel has notably produced an awareness-raising film "*Michel.Ie.s*" on violence based on sexual orientation or gender identity in Congo. It has been broadcast in several French-speaking countries where its broadcast has met with great success.*



Awareness-raising film "*Michel.Ie.s*"

Box 4**RAES project: “It’s Life” implemented in 9 Francophone African countries**

This project focuses on the promotion of the right to health, sexual and reproductive rights through a series broadcast on television and online, which contextualizes these rights by staging the story of four young women whose situations or their human rights have not been respected.

The scenarios are built from formative research with anthropologists to help screenwriters create the characters of the series and stories from reality. RAES has chosen to favour narrative frameworks that can contribute to a change in practice by addressing themes without taboos, and with the context to explain the practices that take place. For example, the issue of dowry is addressed in the treatment of child marriages. This allowed them to gain the public’s trust, building stories in tune with local realities.

Beyond its wide distribution, the series is also used as an awareness campaign tool to stimulate dialogue and question practices. RAES organizes discussion spaces after episodes are broadcast.

Note that the best audiences of the series are in Chad. This content responds to a request for information, including in countries where civic space is severely restricted.

The shooting of the series was not without obstacles. We had to convince the actors and the technical teams to cite certain lines of dialogue or film certain things. This showed the importance of raising the awareness of the project team about human rights.

This content responds to a request for information, including in countries where civic space is severely restricted.

4.3.5. Supporting and protecting human rights defenders

In the face of increasing attacks on human rights defenders, the best lever remains to give visibility to defenders. Ignorance and silence are the greatest dangers that threaten them. The Observatory for the Protection of Human Rights Defenders⁹ was created for this purpose by FIDH and the OMCT. Advocates and opinion leaders also need capacity building to support them so that they are able to make their voices visible for themselves and communicate to best convey their messages (media training, writing press releases, etc.).

To combat the silencing of abuses committed against defenders, alliances and other means of collaboration between regional and international CSOs can facilitate international mobilization, in the event of a threat or arrest of a rights defender, and thus better protect him or her.

⁹ For more information: [https://www.fidh.org/en/themes/defenrs-des-droits-humains/L-OBSERVATOIRE-POUR-LA-PROTECTION,4628](https://www.fidh.org/en/themes/defenrs-des-droits-humains/L-OBSERVATOIRE-POUR-LA-PROTECTION)

The best way to convince the State of the interest of integrating an HRBA in its public policies is to prove its added value.

In addition, to ensure greater security for the actors supported in their advocacy actions on sensitive issues, it can be effective to closely involve local authorities in these actions. Development actors must not neglect the pressure that defenders face every day.

4.3.6. Overcoming the reluctance of sovereign counterparties

Rather than making human rights a taboo in their bilateral relations in the face of the reluctance of certain States or interlocutors, development actors must work to convince States of the added value of HRBA and include it explicitly in partnership agreements. The key is to convince authorities that a service-only approach is not enough.

Without taking a too frontal approach at first glance, it may be relevant to introduce the issue of human rights through the SDGs, which are based on international human rights law. Economic, social and cultural rights (ESC rights) can also be a gateway to be privileged in closed contexts and respond to a demand: the majority of social movements are asking for respect for these rights. We note that the lack of progress on the respect of ESC rights after the Arab Spring has contributed to a diversion of people from rights issues and attacks against CSOs considered to have little impact on local demands. However, some respondents drew attention to the need not to prioritize human rights. Action focused solely on the implementation of ESCR is not enough, as demonstrated in *this FIDH report*, which establishes a causal link between the violations of civil and political rights in Venezuela and the violation of the right to food.

In response to the authorities' reluctance to involve civil society in the development of development policies, it has been identified as a good practice to involve public authorities in training conducted with civil society. This helps to lift fears and shows the authorities that the messages delivered are focused on citizen education and not subversive.

Finally, the best way to convince the State of the interest of integrating an HRBA in its public policies is to prove its added value by demonstrating the effects of its application through the establishment of pilot projects in one or more sectors. Proof by the facts!

4.3.7. The media: an indispensable vector for the promotion of human rights

The media play a key role in promoting human rights through two types of action. The media are an effective lever for conveying alternative messages and combating the relativisms that increasingly affect human rights. Several good practices have been identified to promote this role:

- Sensitize journalists to human rights and in particular to the rights of LGBTI persons and women, who are the target of virulent attacks by anti-droit movements
- Support educational projects (see Box 4), in order to raise public awareness of their rights through messages adapted to the context

Le fact-checking présente des limites pour toucher les personnes convaincues par des informations fausses.

In a context where misinformation is intensifying around the world, one of the respondents highlighted the need to strengthen the capacities of journalists working in the media rather than outsource control by creating parallel communities of fact-making checkers. Fact-checking has limits for people convinced by false information. It seems relevant to work on how information is presented and to better understand the mechanisms that lead people to believe this false information, rather than the verified information.

Box 5

Programme of the Samir Kassir Foundation on violations of press freedoms and journalists' rights through the SKeyes Centre

The SKeyes Centre uses multiple activities to promote press freedom and respect for the rights of journalists. He is actively monitoring four countries: Syria, Lebanon, Palestine and Jordan, where journalists' rights are particularly threatened.

Dispatches are published daily on the violations observed. The Foundation also reports on these cases to inform the annual ranking of Reporters Without Borders (RSF).

A programme of financial and legal aid has also been set up for threatened journalists. This economic support promotes the independence of journalists.

Finally, the Centre has created a safe residency program to ensure the reception in Beirut of journalists particularly threatened, practicing in North Africa and the Middle East, for a period of 6 months. It cooperates with other countries and organisations to organise their reception in the longer term, if necessary.

Box 6**Draft RSF for a national protection mechanism in Mexico**

The establishment of a national mechanism to protect journalists in Mexico is a request that was made directly by Mexican journalists. Once established, this mechanism has proved ineffective in combating impunity for crimes committed against journalists, due to a lack of allocated resources and the lack of political will to seize them. This led RSF to question the very relevance of supporting this type of instrument.

RSF has adopted a strategy to broaden the focus by conducting a comparative analysis of similar national mechanisms in Colombia and Honduras, in order to better understand the strengths and weaknesses of these mechanisms. Similar problems of inefficiency were found despite a large variation in the allocation of resources.

On the basis of this observation, RSF has developed a campaign on protection mechanisms to identify the attributes of a model mechanism to circumvent the obstacles generated by the lack of political will. It was accompanied by a plea for the creation of a mandate for the United Nations Special Rapporteur on the protection of journalists, to question national mechanisms. The aim was to mobilize several actors at different levels to change public policy at the local level.

4.3.8. A trained and multidisciplinary project team

Reluctance towards human rights and relativistic reflexes can come from the members of the project team themselves. To avoid these pitfalls, it is important to train internal teams to fight against these relativisms, for example by organizing trainings on gender or the rights of LGBTI people.

The implementation of HRBA involves the mobilization of multidisciplinary actors within the project team to combine, at the same time, fine knowledge of the local context, sector expertise and legal analysis taking into account international and national legislation. One of the respondents thus decided to train legal/sectoral expert pairs. Some respondents also recommended that local experts be identified and that an HRBA expert be brought into the project team, where possible.

Development actors must not replace the State but support it.

4.3.9. A necessary evolution of working methods

The integration of HRBA tends to create systemic changes over the long term and therefore, according to the organizations interviewed, implies going beyond the simple project approach to take into account the evolving needs during the project. In this spirit, ways of supporting local partners who are free from the constraints of rigid schedules should be studied. Specific contexts and their evolution are among the often unpredictable challenges. Furthermore, the participation of rights holders in the overall project cycle only makes sense if their voices can influence the implementation of the project.

One of the objectives of the HRBA being to accompany debtors of bonds so that they are able to implement them, it is essential to work with prescribers, including local authorities and community leaders. Development actors must not replace the State but support it. Faced with the possibility of a lack of political will at the central level, it is recommended to develop local pilot projects and to accompany local authorities to present the results at central level in order to convince national authorities to take up the issue and scale up.

4.3.10. Accountability and Risk Reduction

HRBA supposes the establishment of a system of accountability of the actors of the development, in a logic of not harm.

To this end, several development actors have developed tools such as "checklist" in order to have a more systemic view of HRBA at all stages of the project cycle. In particular, the Children's Group developed a *checklist based on the child's rights approach in 2021. It takes the form of a list* of criteria allowing the actors of development and humanitarian action to self-assess their practices and to question him with regard to this approach.

Some respondents also decided to put in place a real safeguard system, both at the level of the organisation in charge of funding and within the framework of the project itself. As a result, WWF has developed an environmental and social safeguards framework that integrates the protection of human rights. It covers the entire project cycle and is associated with risk mitigation plans, integrated into funding agreements, and funded in full by WWF. In addition, a complaint escalation mechanism has been established in WWF country offices. It works in conjunction with an independent complaint mechanism (mediator) recently established at the headquarters of WWF International. Account must be taken of the fact that this type of device intended to ensure compliance with the principle of no harm entails in practice additional costs and delays for the implementation of the project.



V. Priorities for the promotion of human rights

In addition to their experiences and best practices for implementing an HRBA in their projects, all sectors combined, the participating organizations were also asked what they consider to be priorities in terms of themes, population and territory to promote human rights.

5.1. Thematic priorities

While almost all respondents considered that the first priority today for all development actors is to reaffirm and promote the universality of human rights in order to regain ground on relativistic discourses increasingly prominent in all regions of the world, they also pointed to thematic priorities that they consider urgent to take into account in development programmes.

However, some organizations have recommended moving away from thematic approaches and developing territorial approaches to meet the expectations of people on the ground. They argued for the bias induced by the thematic programmes on taking into account the real aspirations of the rights holders targeted by these programmes. Even before they are consulted on their expectations, they are necessarily limited by the thematic framework imposed by the programme. They recommend more flexibility to avoid this pitfall.

5.1.1. Themes under the International Covenant on Economic, Social and Cultural Rights

In support of the International Covenant on Economic, Social and Cultural Rights, of which 171 States are parties, the respondents consider that development actors should take priority action to support States in implementing their obligations and the rights holders to assert them regarding:

- The right to health, including sexual and reproductive rights, which are now the most attacked by the anti-droit movement
- The right to education, including for prisoners
- The right to water
- The right to food, which in particular constitutes a structuring axis due to the demographic, social and economic weight of farmers in developing countries. One of the organisations interviewed recommended that actions be included in this framework to facilitate the right of access to seeds and related cultural rights. In some countries, genetically modified seeds are considered a new form of colonization.

- The right to work to promote the economic empowerment of the most vulnerable, especially women and youth. Some respondents recommended developing specific policies for minorities in development programmes dedicated to employability.
- Tackling multidimensional inequalities
- Cultural freedoms: the challenge is to face the prevailing conservatism in culture. Respondents urged support for cultural spaces to free the voices of the most marginalized groups and thus contribute to a more open society. They also recommend supporting the participation of cultural organizations in the development of cultural public policies.

5.1.2. Issues under the International Covenant on Civil and Political Rights

The organisations interviewed do not limit the action of development actors to economic, social and cultural rights. In view of the global context in which they operate today, they also recommend that priority should be given to the respect, protection and implementation of certain civil and political rights, as recognized in the International Covenant on Civil and Political Rights (173 States Parties):

- Support human rights education by prioritizing actions that target children and youth. This type of action is essential to address the significant lack of knowledge of human rights holders about these rights.
- Some organizations interviewed warned about the underfunding of action aimed at respecting the rights of prisoners. In this regard, they recommend funding projects aimed at the full respect of the right not to be subjected to torture and ill-treatment; the fight against abusive and arbitrary preventive detention; the development of alternatives to detention to combat prison overcrowding, and the lack of prospects for reintegration.
- Combat violence based on sexual orientation and gender identity.
- Support the space of civil society in all its diversity, including to fight against the anti-rights and anti-gender movements.
- Strengthen the capacity of activists through exchanges of experience between peers, training in project management, or support for the development of NGO consortia.
- Protect human rights defenders to ensure a right to mobilization, and take into account their needs for psychological support, temporary shelter assistance and support to ensure the security of their travel to participate in exposed events (e.g. taking a taxi after an event by returning directly to their home carries a risk of being identified and located). It is up to them to organize their exfiltration as a last resort.
- Fight corruption which is an obstacle to the rule of law. Respondents noted that this was a key issue for public development banks.
- Fight against impunity to preserve or restore peace.
- Support the independence of justice by strengthening the capacity of the judicial system. It was recommended to train judicial staff at the HRBA to convince them of the justiciability of all human rights, a key element to guarantee effective recourse to rights holders, and so that they are truly able to assert them.

Protect human rights defenders to ensure a right to mobilization, and take into account their needs for psychological support

Unreliable information is considered to circulate on average six times faster than reliable information, which reinforces this global movement of misinformation.

- Finance projects to influence the political and legal framework with a view to creating an environment favourable to the exercise of human rights: access to information, respect for the rule of law, promotion and enhancement of citizenship, democratic processes.
- A majority of respondents stressed that citizen participation is a precondition for the realization of all human rights. In particular, some of the organizations interviewed call for encouraging citizen engagement of children and youth so that they can be heard and contribute to societal change.
- The right to legal personality: support birth registration and civil status recognition.
- Guarantee the right to move freely in a very degraded security context.
- Technical accompaniment of the authorities and capacity building of CSOs in post-coup contexts or authoritarian regimes, to ensure a political transition respectful of human rights.

Some respondents also identified *digital priorities*. They stress the importance of supporting States through technical assistance to ensure the protection of personal data online. They also recommend supporting actions to raise users' awareness of their rights (including online sexual exploitation issues). Pegasus spying software, used against human rights defenders, has also revealed the significant digital risks they face. Support for strengthening national legislation on this subject could help to eliminate these risks.

More generally, some respondents called on development actors to commit to contribute to the regulation of the global digital space, which they said should be considered a global public good.

Several organizations interviewed also identified *freedom of expression and information* rights as a priority for action for the development community. 80% of the world's population would not have access to reliable information, with the "citadels of misinformation" multiplying around the world. Unreliable information is considered to circulate on average six times faster than reliable information, which reinforces this global movement of misinformation. This deprives people of their ability to form their opinions in all areas of public life. Information bankruptcy also prevents public actors from having the information they need to take action.

- In this context, it was recommended to develop understandable and culturally appropriate human rights content, and to continue communication efforts aimed at young people. Young people in many developing countries are eager for change, and access to information is essential to give them the keys to public debate. The issue is who will inform them (or misinform them).

The issue of protecting journalists has also been stressed several times. Respondents recommend strengthening the safety culture among journalists, by supporting psychological, physical and digital safety training in all projects dedicated to supporting independent media.

One of the organisations interviewed also highlighted the need to support non-professional journalists in addition, from the moment they apply journalistic methods. This makes it possible to take into account the new practices developed by youth.

While developing countries contribute the least to climate change, they are the countries that suffer the most from its harmful consequences.

5.1.3. Themes under the Convention on the Elimination of All Forms of Discrimination against Women

A significant proportion of respondents urged support for the respect, protection and implementation of the rights contained in the Convention on the Elimination of All Forms of Discrimination against Women (189 States Parties). One of the respondents noted the need to pay particular attention to the human rights of girls and adolescent girls, which are invisible in international and national legal frameworks.

Equality between women and men must be at the heart of development actors' action. In particular, they must act to support women's participation in public life, which is largely limited in many countries.

5.1.4. The right to a healthy environment

On October 8, 2021, the United Nations Human Rights Council recognized in a resolution the right to a clean, healthy and sustainable environment as a human right. Several regional legal instruments recognize the binding nature of this law. As we face a major climate and environmental crisis, a part of the organizations interviewed consider it imperative to apply a human rights-based approach to the fight against climate change. While developing countries contribute the least to climate change, they are the countries that suffer the most from its harmful consequences. Applying an HRBA in this area makes it possible to ensure that specific impacts on certain population groups, including women and especially indigenous women, are taken into account (principle of non-discrimination).

Some respondents also recommended that development actors support the realization of the right of access to natural resources as recognized by the two International Covenants on Human Rights.

Finally, some organisations highlight the public interest of information on the environment, climate and biodiversity. In this context, they favour supporting access to pluralistic information on the subject, and training journalists on the subject.

5.1.5. Topics that are the responsibility of companies and the duty of vigilance

If companies are not considered today as bearers of obligations under international human rights law, the harmful potential of their activities on the respect and realization of these human rights is unanimously pointed out. In this context, development actors can play a role in supporting activities aimed at making companies more accountable for the impact of their activities on human rights in the countries where they operate.

There are strong international dynamics at work in this regard, both through the ongoing negotiation of an international treaty on corporate human rights obligations, that by the multiplication of laws on the duty of vigilance in countries where multinational companies have their headquarters (dynamic limited to Europe at present), and the ongoing discussions within the European Union that aim to lead to the adoption of a European directive on this topic. In this context, it is recommended to develop and support bridges between these international dynamics and actions aimed at strengthening national legal frameworks in the countries

where companies operate. However, it is not only the multinational companies that must be taken into account, but all economic players, as legislation can be adapted to the size of the player.

Local communities are increasingly active in documenting, denouncing and taking legal action before the courts in cases of violations by companies of human rights, including the right to a healthy environment. Development actors should support them more to continue this type of action.

5.2. Priority populations for the promotion of human rights

Human rights are universal in the sense that they apply to all human persons. However, their universal nature does not prevent the establishment of priorities among rights holders in the support measures that development actors can provide, because of their vulnerability status. The organizations interviewed identified several groups of rights holders that should be supported in a more supportive manner. In the first place are *the most marginalised groups*, which may vary from region to region, taking into account an inter-sectional approach. They also highlight:

- Women (including detained women and their children who have specific needs related to the right to health, including sexual and reproductive rights, and in relation to gender-based violence).
- Children: in particular invisible girls and adolescent girls, children with disabilities, street children who are a particularly vulnerable target, and minors for whom urgent action is required to ensure respect for the principle of separation from major inmates.
- Young people, in particular with regard to their rights to work, to an adequate standard of living and to access to information.
- People in extreme poverty.
- Indigenous peoples.
- LGBTI+ people.
- The peasants.
- People with disabilities.
- Human rights defenders.
- Journalists, especially women journalists.
- Internally displaced persons for whom the main challenge is to ensure their integration in the places where they take refuge (saturation of public services, rejection)

The organizations interviewed call for focusing efforts in rural and peri-urban areas in terms of access to rights.



5.3. Which territorial approach to the promotion of human rights?

Everyone agrees that development actors should focus on *a local approach* to their activities, drawing on local actors (civil society and public authorities). The organizations interviewed call for focusing efforts *in rural and peri-urban* areas in terms of access to rights. People living in these territories are subject to particularly severe discrimination and violations of their rights, while they have limited access (particularly in geographical and financial terms) to remedies to assert their rights. In urban spaces, development actors are invited to give priority support to citizen spaces for mobilization.

However, these territorial priorities must be accompanied by an appreciation and support for *solidarity between actors at different levels* (international, national, local). These alliances and solidarities can facilitate the construction of law. Several respondents also felt that a regional and multi-stakeholder approach is needed to complement country approaches and advance the realization of human rights.

A significant number of respondents pointed to the lack of financial and technical support for French-speaking human rights defenders, compared to the situation of English-speaking human rights defenders. They call for reducing this gap by targeting *the francophonie* as a priority to support the advancement of human rights.

As pointed out in Part III, one part of the respondents considers that HRBA should also apply in *contexts of crises and conflicts*. HRBA is crucial to ensure an analysis of the situation. Moreover, as crises are becoming more and more chronic, it is now necessary to include medium and long-term thinking in these contexts, in order to emerge as quickly as possible from a logic of urgency. However, in areas

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of crisis (or relative peace), financing instruments and modes of action must be more agile. In particular, disbursement arrangements and logical frameworks need to be more flexible because the context is constantly changing (“a village can disappear overnight”). It is also necessary in these areas to take into account the humanitarian-development-peace nexus.





VI. Research, Accountability, Advocacy, Evaluation

In general, respondents believe that in-depth knowledge of the different facets of human rights in development contexts is essential to contribute to their realization. This knowledge is the result of research activities and the production of varied data that allow us to understand problems in a contextualized way and faithful to local needs and issues. Expectations regarding the production of knowledge are very broad and beyond contextual analyses and local issues, they also concern the operational modalities of the implementation of HRBA, including lessons learned and good practices, results and impacts.

Beyond extensive documentation, this dynamic can also facilitate the creation of various tools (human rights diagnostics, identification of human rights violations, training courses, indicators etc.) to promote respect for human rights. Very specific areas are also highlighted (e.g.: human rights in prison; LGBTI+ rights). Thus, documentation, and thus the fruits of research in all its forms, are considered as constitutive elements of the action of the actors of development, and a starting point for "putting the State in front of its responsibilities". In this context, the support, participation and capacity building of local CSOs in the production of this documentation is crucial.

The respondents highlight a wide variety of themes covering a wide range of research activities, as well as evaluation and exploitation, and make recommendations for progress in these areas.

6.1. Thematic priorities

Research on human rights and their main principles

Human rights and the principles that govern them are in themselves a field of study that attracts the attention of respondents. In particular, the question of the universal, and of "thinking the universal" (cf. the work of Nadia Yala Kisukidi for example) are considered very appropriate to inform the action of development actors in the field of human rights, In particular, their methods of action and the history of development.

The conduct of anthropological and sociological research to link different human rights to local traditions and values, and explore the bridges between them to go beyond cultural blockages, and get out of simplistic (good/bad) approaches, also includes proposed approaches. This type of approach could support a critical approach to the law to identify barriers to the implementation of human rights and find solutions to overcome them.

There is also a strong emphasis on the need to generate evidence of the impact of HRBA on development, including economic development.

In a more focused way, a look at the effectiveness of human rights at the local level could also lead to support civil society and local authorities in developing adapted narratives on specific human rights issues such as gender, abortion or family planning. The analysis of demographic transition issues through the lens of human rights would also provide insights into sexual and reproductive health and rights programmes.

In another register, respondents invite to develop research on the justiciability of human rights and accountability mechanisms (mapping existing mechanisms).

In general, research on human rights advocacy modalities should also be promoted, with particular attention to crisis and conflict contexts.

On the whole, these dimensions would also make it possible to understand the links and interactions between respect for human rights and social peace, but also to document the inconsistencies of public policies (ex: see current ADA study on legal and political inconsistencies in light of commitments made under the Paris Agreement).

Research on the HRBA methodology and its implementation

Beyond the human rights themselves and the principles that govern them, respondents call for the development of a research activity dedicated to the human rights-based approach as a methodology. Its application in the activities of development actors but also its effectiveness as a transformative approach raises many research questions.

In particular, to understand how to develop human rights education and awareness methods adapted to different local contexts (e.g. illiteracy; total lack of knowledge and demand, cultural and religious relativisms, etc.). There is also a strong emphasis on the need to generate evidence of the impact of HRBA on development, including economic development, in order to generate more voluntarism from local authorities and recalcitrant actors.

More specifically, research on the effective inclusion of the voices of the most marginalized in development policies, the development of cross-analyses environment vs gender vs human rights in an application logic (action research), analyses of the impact of public awareness of human rights on the governance of resources are all avenues to explore.

Such investigations could lead to the production of tools useful for the operationalization of HRBA (e.g., a guide on human rights and HRBA for development actors and NGOs; indicators or other HRBA measurement instruments as a dedicated marker).

Research on the prison sector

The issue of human rights in prisons was highlighted from the field experiences of several actors interviewed, who point out the importance of better documenting the conditions of detention in light of human rights violations. A specific approach to minors and detained women would be particularly relevant.

Finding long-term solutions to prison overcrowding.

This sector offers a wide range of options, such as conducting studies on recidivism – to fill in the gaps in national statistics and identify the levers to avoid it – and developing maps on recurrent offences, their causes, their treatments.

The question of models of prison administration and their adaptation to different local realities (taking into account cultural customs and practices), the levers for reducing the rate of detention – finding long-term solutions to prison overcrowding – the challenges of post-prison reintegration, maintaining the social link on the reintegration of inmates, issues related to the links between prison and society (“prison is part of society”), or the link between inequality and incarceration (cf. Emmaus studies on poverty and prisoners) are all avenues suggested by respondents.

LGBTI+ Research

There are growing concerns about the human rights of LGBTI+ people. First of all, the theme itself needs to be appropriate by the world of research, still too timid on these issues. This would allow a first extension to fuel advocacy and identify specific research avenues.

Respondents point to the widespread lack of data on violence based on sexual orientation and gender identity. It is proposed to work on the existence of sexual and gender minorities in pre-colonial Africa, while developing a historical analysis of homosexuality in Africa to deconstruct the idea that homosexuality was imported into Africa by colonization (see research by Charles Gueboguo).

Research on the treatment of sexual and gender minorities in African indigenous communities that have not been influenced by Christianity would also contribute to knowledge in this area. The impact of the French language on African sociology and gender treatment are also areas to remember. Ex: local Congolese languages are not gendered, it is the French language that introduced the gender.

Many other themes are also to be explored, such as co-parenting for sexual and gender minorities through a combined approach combining medicine, psychology, history, law and sociologist.

Media Research

On the central issue of media, the research tracks target issues related to digital rights, as well as the problem of misinformation. How does the public react to misinformation? Why is it more tempted to share false information? The analysis of the consequences of the deregulation (or permissibility of rules) of the global digital space on democracy and human rights is essential to better understand the behaviors of different actors and identify better democratic guarantees.

In addition, the situation of journalists' economic and social rights and the question of the sustainability of journalism are fields of research to be explored.

Human rights and the economy

An analysis of economic policies in the human rights arena would help to better measure the economic costs of inaction on human rights. The relevance of developing research and data collection on economic, social and cultural rights with particular attention to people from the Bottom 50 was underlined.

To bridge the gap between the data collected by citizens and research.

6.2. Recommendations on how to support research

A majority of respondents advocated supporting *multidisciplinary action-research*. They recommend fostering applied research by engaging the world of jurists, anthropologists, historians... with civil society actors.

It was noted that it was necessary and relevant to involve beneficiaries in research (including children and youth). Peer-to-peer logic is very valuable to the results. Several good practices were highlighted, which can inspire development actors in this area:

Good practice: sharing diverse experiences to break down barriers to research. Example: the multidisciplinary approach developed within the framework of the Information and Democracy Partnership and the creation of the International Observatory on Information and Democracy.

Good practice: legal clinics that combine research and advocacy to further link the work of activists with research.

Good practice: DFID partnerships on the construction of new forms of citizenship in order to create rights,¹⁰ making it possible to produce data with the actors ensuring that they will be used to inform them on public action, but also to contribute to the creation of coalitions of actors (researchers, groups of NGOs, independent think tanks).

Good Practice: ATD/Fourth World Knowledge Crossover Methodology, which is based on the experience of the people concerned and practitioners.

It is also recommended to support the monitoring and documentation conducted by civil society on the civic space, to value the data collected by civil society at the local level (micro) and more broadly to bridge the gap between the data collected by citizens and research. We talk about the "data gap" for the SDGs, but these data exist (in part) and are collected by civil society.

Finally, the establishment of local knowledge and human rights observation platforms would have an important added value for research and knowledge.

Other recommendations on how to support research:

Several other ideas were proposed during the interviews:

- Set up a system of research grants in partnership with local universities to support the research activities of students on topics related to human rights and little treated, and in several disciplines (sociology, law, history, etc.)
- Support local researchers rather than international consultants
- Supporting the emergence of feminist thinking in the academic community
- Enhancing the work of civil society to fuel counter-narratives in the face of the decline of human rights in the world

¹⁰ See GRET and Ciedel (2019) *How to ensure the effective participation of populations in development projects? Illustration by the implementation of the human rights-based approach*, Paris: MEAE, pp.38-39

- Develop action research based on issues raised in the context of project implementation
- Organise local and international reports of research results
- Develop a comparative approach, which does not focus solely on developing countries
- Take into account the challenges of popularizing research results from the outset (various media: video, podcast, image, testimonials, etc.)
- Define approaches to address data acceptability issues by public authorities to ensure political will to act (especially in the corruption sector)
- Support the development of CAP surveys (knowledge, attitudes, practices) in communities in order to have a detailed knowledge of cultural practices and to be able to work on deconstructing them
- Focus research on the operationalization of HRBA in programs and projects and document its implementation by sector
- Finance diagnostics on the level of access to public service and respect for human rights in general (especially at the local level) by also conducting qualitative studies on perception

6.3. Capitalization, Valuation, Accountability

With respect to evaluation activities, respondents focused in particular on the processes that enable the desired impacts to be achieved in order to define adequate indicators, train in their use, budget for the necessary activities, and integrate identified good practices. They call for the development of indicators to measure the implementation of HRBA at different stages of the project, and its impact on the discourses and strategies developed by local actors.

They insist on the idea of developing process-based indicators (long time) to move away from a purely results-based approach, particularly for projects supporting contentious strategies, or in contexts of high unpredictability, where it is often impossible to define predetermined results.

The issue *of monitoring tools to measure the impact* of development projects on human rights, including the perception of people (e.g., how to measure the progress of freedom of opinion?) is also highlighted.

Respondents also propose to conduct studies on the impact of international assistance in the security and justice sector in relation to respect for human rights. For example, what has been the impact of aid allocated to the Lebanese security services or in the context of 3D (diplomacy, defence, development) policies on human rights?

Respondents also recommended developing the documentation and measurement of capacity-building processes, including what the participation of local actors in the realization of human rights produces. They also pointed to the need

for longitudinal studies at several points in the project cycle to survey the state of knowledge of populations before, during, and after the end of the project. It also seems necessary to ensure better collection of data disaggregated by sex and age.

In general, the integration of human rights issues into evaluation strategies must be systematic, and be accompanied by ad hoc funding.





VII. Interest, obstacles, and good practices of civil society collaboration with the State and companies for the promotion of human rights

Beyond the project approach, respondents were also asked about the modalities of civil society participation in public policy-making processes in the countries in which they operate. They were able to share their experiences in this area, and in particular their relations with the public authorities. They highlighted good practices and highlighted the main obstacles facing civil society in this context. The respondents also shared their experience of cooperation with private companies, considered as essential actors for the realization of human rights.

7.1. Cooperation between civil society and the State in the formulation of public policies

The organizations interviewed agree that systemic changes require institutional frameworks, with a focus at different levels (local, national, regional, international). It is therefore essential to work with public authorities to contribute to the realization of human rights.

7.1.1. Develop action strategies at different scales to overcome barriers to citizen participation

While respondents unanimously stress the need for a co-construction of public policies through the participation of civil society in their development, in practice for some of them, dialogue with public authorities is limited. This is most often explained by a lack of interest on the part of the State. In addition, for some organizations, attending meetings organized by public authorities is tantamount to legitimizing the power in place, which constitutes for them a hindrance to participation in public policy-making processes. Several respondents indicated that they did not wish to participate in the institutionalized dialogue with public authorities for fear of being exploited, and to preserve the apolitical nature of their organization. Moreover, in contexts where this close dialogue with public authorities is made possible, it is always likely to be affected by a change in political majority.

It is also important to work with religious guides, who are very listened to by the communities.

In the face of these difficulties, the participation of civil society can be supported at several levels of intervention, both local, national, regional and international. This makes it possible to establish various strategies to influence public policies, and thus to overcome the blockages caused by the reluctance of the authorities. In view of the lack of political will of the national authorities, it may be appropriate to conduct a dialogue directly with the local authorities. However, this strategy is not applicable in countries with a highly centralized system. Public policy dialogue can only take place at the central level, as local authorities are not a lever.

Participation and dialogue should not necessarily be limited to national public actors, but may also target regional actors, such as the African Commission on Human and Peoples' Rights, and international actors (including the UN). In this context, it is recommended to support coalitions of actors at these different scales to multiply the levers of action (see box 6).

In more closed contexts, CSOs also tend to favour media levers to convince public opinion. They also engage in dialogue with foreign embassies and state donors to influence public policy.

7.1.2. Support processes for the co-construction of public policies

Beyond the simple consultation, the organisations interviewed advocate the creation of participation mechanisms to ensure a true co-construction of public action, integrating the voices of the people concerned. In this context, citizens must first be informed about their rights, and accompanied to be able to know how to claim them through this type of process, and understand the functioning of public policy making. To ensure the success of these processes, especially at the local level, it is recommended to mobilize social and community facilitators to ensure safe, inclusive and authentic participation of rights holders, and not exploited. It is also important to work with religious guides, who are very listened to by the communities. In addition, there is a need to ensure the diversity of CSOs participating in these consultation mechanisms, whether in terms of size or thematic advocacy. Finally, it may be relevant to support the structuring of grassroots citizen movements.

Several good practices were reported by respondents. Within a national coalition of CSOs, thematic working groups have been established to strengthen the knowledge of public policies by coalition members and train them in citizen control. As a result, participating CSOs have greater control over public policy development processes and therefore the means to influence their content. In this type of activity, it can also be useful to strengthen the capacities of activists on the language "human rights", in the perspective of their dialogue with public authorities.

One of the responding organisations participated in the establishment of "communities around prisons" to foster synergies between the actions of local CSOs, community leaders and local government. Bi-monthly meetings are organized around prison-related issues. They are a powerful advocacy tool at the local level, which ultimately aims to promote the reintegration of prisoners through these communities.

It should nevertheless be stressed that when CSOs act in contexts where they face the failure of the State in the sovereign domain, they are sometimes prompted and even encouraged by the State to act in its place. They warn about the non-durability of this type of actions.

7.1.3. Support spaces of accountability to promote citizen control of public action

Support for citizen mobilization must be based on the principle of accountability and transparency of public action. The participation of civil society must not be limited to the development of public policies, but must continue to ensure monitoring and monitoring of their implementation and steering. Support for the creation and structuring of spaces of accountability is crucial to facilitate citizen control. The organizations interviewed nevertheless warn about the low availability of funding to ensure this monitoring of the State's action, while it requires constant vigilance to be effective, and therefore ways to monitor these developments.

Access to information and the openness of public data are essential to enable people to participate effectively in public life. In this context, it can sometimes be more effective to highlight the concepts of transparency and accountability rather than the human rights framework, in a less frontal approach towards the authorities to achieve the same result. However, the administration may be reluctant to be transparent about the development and implementation of public policies, particularly with regard to statistics. Some organisations thwart this reluctance by trying to develop an interpersonal strategy to forge links at different levels of administration and thus remove the barriers.

The practice of participatory budgets is widely supported. By training citizens and allowing them to participate in budgetary decisions and in monitoring their implementation, they can directly assert their rights, and ensure the State's accountability for the realization of these rights.

The mechanisms for the accountability of communal action also prove to be decisive levers for citizens to assert their rights. The example of the days of accountability and citizen interpellation set up by mayors was cited as a good practice. The communal team and citizens can exchange on development issues.

Finally, to promote the accountability of the State, it is also recommended to collaborate with national human rights institutions, whose mandate is to ensure the implementation of the State's obligations under the international human rights treaties ratified by the State.

7.2. Partnerships and vigilance: a dual relationship between civil society and the private sector

Companies are key actors in contributing to the realization of human rights, but also have a responsibility to ensure that their activities do not violate these rights. In this context, CSOs may be required to either cooperate with private sector actors or to monitor and evaluate their human rights activities.

7.2.1. Partnerships between private actors and civil society for the realization of human rights

Some civil society organizations thus establish partnerships with private sector actors to contribute together to the realization of human rights. In particular, some media NGOs promote excellent relations with the private media sector. In particular, they collaborate with press companies on self-regulatory practices in the

sector. This cooperation helps to preserve the independence of journalists in the face of the possibility of state regulation of their activities. An ISO standard is currently being operationalized on the reliability of information. It includes an economic benefit mechanism for the media that apply it so that they are able to compete with the misinformation media.

However, this type of partnership varies according to the sectors of intervention. Companies may be reluctant to associate with CSOs on certain issues that could negatively impact their image vis-à-vis certain consumers (e.g. fight against the death penalty, rights of prisoners, etc.).

7.2.2. Civil society action to combat corporate human rights abuses

The State has the responsibility to ensure that rights holders are protected from infringement of these rights by third parties, including companies. On this basis, several organizations interviewed favour a strategy focused on the responsibility of the State to prevent human rights violations committed by companies. They believe that the dialogue with companies is inconclusive and leads to increased risks in terms of violence especially for local CSOs, compared to the dialogue with public authorities.

For their part, a number of organisations interviewed are carrying out interpellation actions and are maintaining a dialogue with multinational companies with regard to their duty to be vigilant. However, these actions are limited to companies headquartered in countries qualified as democratic or open, on which they have various levers of action (litigation strategies, reputation vis-à-vis consumers, pressure of public opinion, etc.). CSOs have little or no control over the actions of companies from so-called authoritarian or closed countries. Thus, when in some countries, the advocacy and interpellation of CSOs leads to the departure of multinational companies from democratic countries, the risk is that they will be replaced by companies on which civil society will have less or no levers (ex: Chinese companies that have succeeded European and American companies in Burma).

The duty of vigilance means that companies must ensure that their activities do not infringe human rights throughout the entire value chain. Thus, all players in the value chain must comply with international standards designed to prevent these breaches. However, economic actors in the South may find themselves ultimately excluded from these value chains because of a lack of means and capacity to comply with these standards. Specific support must therefore be provided to economic players in the South to integrate these standards.

The creation of labels to certify sustainable value chains, respectful of the rights of local communities, can be an effective way to promote corporate accountability. For some organizations interviewed, this should imply an obligation to zone the areas used by communities to ensure their livelihoods, before the company's installation in these areas. While some respondents felt that in this context, businesses should also be required to establish basic social services, for others, it is particularly important to demystify the contribution of businesses to access these essential services. The latter or the State itself put forward the interest of the local communities to accept the installation of these companies in the territories they occupy, in exchange for promises (sometimes kept) that these companies build schools, health infrastructures, provide better access to water... It is the responsibility of the State to ensure access to these essential services for all.

Economic actors have a major role to play in influencing governments to respect human rights, especially at the local level.

In Gabon, social and environmental contracts must now be established to regulate relations between businesses and local beneficiaries. They may, for example, set a minimum purchase price for a piece of land, or include the obligation to create a water point. These types of tools can advance the protection of the rights of local communities, if we ensure that these contracts comply with human rights.

For some organisations, it is useful to include companies in tripartite dialogue spaces with CSOs and public authorities, as was the case for the land reform process in the DRC for example. This is particularly relevant when implementing a public service through private providers. They do not necessarily feel that they are accountable for the rights of the people concerned. This type of dialogue can make it possible to create a space for accountability that includes them.

More broadly, economic actors have a major role to play in influencing governments to respect human rights, especially at the local level. A part of the respondents thus recommends facilitating the connection of local CSOs with international companies on the ground. This can allow CSOs to make a plea to convince these companies to implement non-discriminatory internal policies and promote the creation of possible alliances to influence the development of local public policies together. Several organizations interviewed have thus joined the business community to pressure a State to change legislation violating human rights, or to denounce violations of these rights (e.g. some companies participate in pride marches in countries where the rights of LGBTI people are regularly violated). Raising awareness among economic actors, especially multinational companies, about defenders at risk in the context of the projects on which they intervene, can also have an impact on the protection of defenders. In particular, economic actors may favour intervention by local authorities.

VIII. What role for donors in promoting HRBA? Courses of action and recommendations

During the interviews, the organizations interviewed stressed the importance of the role of donors in promoting a human rights-based approach to development among their partners. While all that was discussed during the interview is of direct concern to them, CSOs also suggested specific courses of action to strengthen links between civil society and donors, more effectively target their funding for projects led by local CSOs, adapt their internal functioning to best integrate HRBA into their operations, and implement efficient accountability policies.

8.1. Strengthening cooperation between donors and civil society organisations

Donors maintain a close dialogue with the public authorities of the States they accompany through the programmes and projects they finance. These programmes and projects have an impact on the development and implementation of public policies, Donors are invited to engage equally closely with local civil society organizations to escalate their recommendations and analysis and expertise on the ground.

In general, donors are encouraged to further promote co-decision in the project cycle or funding instruments. The actors concerned should thus be included in the steering committees for funds, programmes and projects.

For better cooperation between CSOs and donors, it is recommended that donors communicate to CSOs their priorities and constraints for action, in order to work better together.

8.2. More responsive project funding arrangements for local CSOs

Several organisations interviewed warn about the difficulties posed by the conditionality set by some donors for 50% co-financing to access funding. In many countries, CSOs cannot request public funds at the national level as a complement (authoritarian regimes, crisis situations, lack of national funding for CSOs, etc.). The 90% EU co-financing rule would be more suitable for local CSOs. In addition, the creation of micro-finance instruments could avoid the exclusion of access to finance for small CSOs, which have little training in donor accountability procedures. Other criteria, such as the duration of legal existence, a minimum budget threshold, prior experience of cooperation with a donor, may exclude small or unstructured CSOs.

The creation of micro-finance instruments could avoid the exclusion of access to finance for small CSOs

Some organisations also called for a reduction in the administrative procedures of donors, which were considered too complicated.

With regard to activities covered by donor funding, some organisations point to the need to also fund the operation of CSOs, not just projects, to provide them with the necessary capacity for reflection to conduct an equitable dialogue with public authorities. It is also important to support CSOs over the long term to support their progressive structuring and implementation of action over the long term.

To better meet the needs of beneficiaries, financial instruments for projects developed by civil society should be able to adapt to the needs analysis conducted by local CSOs, and not be constrained solely by the priority themes selected by the donor.

Respondents also suggested that donors promote direct funding of local CSOs, not only through northern-based CSOs. In addition, the procedures for calls for projects should be adapted to the themes covered, and should ensure better confidentiality of applications where sensitive themes are concerned. Some organisations also called for a reduction in the administrative procedures of donors, which were considered too complicated. In particular, the rules for preventing terrorist financing are considered difficult to apply with partners on the ground.

In view of the significant rise of informal citizen movements around the world, donors are invited to diversify their funding arrangements to support actors with little or no structure, and no legal personality.

Donors most often require sustainable models for financing projects that effectively exclude certain activities. For example, the establishment of shelters for people expelled from their homes because of their gender identity or sexual orientation can only be based on external funding in countries where homosexuality remains criminalized. If the funding of the lessor stops, the project ends.

8.3. An internal organisation adapted to the implementation of the HRBA

To ensure the integration of HRBA in the operations of donors, they must focus on strengthening the teams trained in human rights. The capacity building of the agents is essential to ensure a transversal application of the HRBA.

The exchanges highlighted the specific challenge of protecting LGBTI+ agents in development agencies on the ground. They often have to hide their sexual orientation and face specific risks.

With regard to technical cooperation agencies, they are encouraged to support iterative and reciprocal expertise, not just focused on sharing expertise from North to South. In this sense, it seems necessary to promote the expertise of the South, particularly through the pool of diaspora, and to promote national expertise in the countries of intervention.

8.4. Transparency and accountability of donors

In general, donors are encouraged to develop a reciprocal accountability relationship with all development actors. Leading by example is the most effective way to convince HRBA of its added value. Respondents also indicated that more transparency is needed with respect to development cooperation funding to facilitate the monitoring by local civil society of the use of allocated funds. However, they warn about the necessary discretion regarding funding for local CSOs, if this can harm their actions.

The interviews also showed that local CSOs are interested in strengthening the dialogue, particularly with AFD's regional agencies and offices. They would like greater transparency on the financing implemented in the country to better take part in the monitoring of the public policies concerned by this financing, including by taking part in the steering committees of the funds set up.

For some organisations, it is important to develop a more horizontal relationship between donors and developing countries. They believe that developed countries have made commitments at the international level, particularly with regard to their responsibility in relation to climate change, and must therefore provide financial support to developing countries that are suffering the most serious consequences (*we are no beggar, we are equal*).

Finally, some organizations recommended that development actors use HRBA as a conditionality for official development assistance.



Appendice 2



Indigenous Rights and Sustainable Development

Intersecting perspectives of civil society organisations



Sarah Hayes and Farid Lamara

AFD (ISR/SPR)

This document presents the results of a consultation conducted by AFD with civil society organizations on the specific issues of preserving the rights of indigenous peoples. This work follows on from the International Conference on Human Rights and Development organized by AFD in December 2021, which led to the unanimous recognition of the urgent need to act to preserve the rights of indigenous peoples in order to guarantee sustainable global development.

While recalling the role of guardians of the environment and the global biodiversity of indigenous peoples (5% of the world population who ensure 80% of the preservation of biodiversity), the interviews highlighted their *extreme vulnerability* around the world. Their way of life and their very existence are weakened by an accumulation of factors. In addition to the direct impacts of climate change on their territory, the constant pressures on their lands reduce their resources, threaten their ecosystems, impoverish communities, and change traditional ways of life. Overall, these multiple factors lead to numerous violations of their fundamental rights.

In this context, the respect by States, the private sector and investors (public and private) of *the principle of free, prior and informed consent (FPIC)* stands out as one of the main demands of indigenous peoples. Capacity building for indigenous peoples is also a key lever to become actors of their own development both at the

local level and within national and international fora. In this process, the inclusion of women and local, non-indigenous communities, living alongside indigenous communities, is considered particularly central.

Protection of indigenous rights defenders who are increasingly criminalized for their actions and who face serious security risks in many parts of the world is also a priority. The need to build *bridges between human rights, the FPIC, the right to a healthy environment and the rights of nature* is also highlighted.

In terms of *priorities for action*, the respondents consider that development actors should support States in implementing their obligations regarding the rights of indigenous peoples and their rights. Several thematic priorities have been identified, under the treaties of international human rights law. In particular, simultaneous action at local, national and regional levels is recommended to ensure a real transformative effect.

In research, respondents encourage development actors to conduct research on indigenous peoples and the preservation of human rights. Whereas the production of knowledge is a key step in better guiding development actors. Many lines of research are proposed in the document (effects of climate change and environmental damage on the rights of indigenous peoples; demographic and spatial data; governance of indigenous peoples; traditional knowledge...). Direct support for local communities to produce knowledge themselves is also seen as an essential approach.

Finally, *the specific modalities of action to defend the human rights of indigenous peoples with the private sector, public authorities, civil society organizations and international development actors* are also discussed.

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I. Background

In accordance with the decision of the Interministerial Committee for International Cooperation and Development (CICID), France adopted a "*Human Rights and Development*" strategy in 2018, in which it is committed to integrating a human rights-based approach to development (HRDF) into its international cooperation policy. This commitment was reaffirmed in the Programming Act of 4 August 2021 on solidarity development and the fight against global inequalities, which gives three objectives to France's international cooperation policy, including the promotion of human rights.

On the basis of this explicit mandate, AFD has developed a growing number of initiatives aimed at facilitating the gradual adoption of the human rights-based approach by all the Group's staff, as well as its integration into its operations. Among these initiatives, AFD organized an international conference on human rights and development issues on 10 December 2021¹. It has enabled a large number of development actors to share their observations on the human rights situation in the world and to discuss the solutions they can propose.

Following this founding event, AFD launched a consultation on the implementation of the human rights-based approach with representatives of civil society organizations in the North and the South. In addition to interviews with civil society organizations (CSOs) on cross-cutting human rights and development issues (cf. Dedicated Analysis Note), it was decided to identify a specific sample of CSOs working to protect the rights of indigenous peoples.

Indeed, at the conference, participants unanimously considered indigenous peoples to be key players in sustainable development. They recalled that they represent 5% of the world's population while being the guardians of 80% of global biodiversity. They play a major role on all continents. In the Amazon alone, they directly influence 48% of the territories. A unanimous consensus emerged that the protection of the environment and biodiversity could not be achieved without the preservation of the rights of indigenous peoples. The participants recommended that development actors accompany them in an extremely proactive and urgent manner.

Participants unanimously considered indigenous peoples to be key players in sustainable development.

¹ Conference proceedings available here: <https://www.afd.fr/en/resources/actes-of-conference-droits-humains-and-development>



II. Methodology

The consultation took the form of semi-directional interviews with representatives of civil society organizations working to defend the rights of indigenous peoples. The interview guide, shared with respondents prior to the discussion, consisted of four blocks of questions:

- (1) Experiences and recommendations for the integration of the principle of free, prior and informed consent (FPIC) of indigenous peoples in international cooperation projects;
- (2) The priorities to be set (according to the themes, populations and geographies) in the promotion of the rights of indigenous peoples;
- (3) Knowledge and knowledge issues (research), capitalization, evaluations, advocacy and communication;
- (4) And the specific working methods to be developed according to the actors (States, civil society, private sector).

Overall, beyond complementing and deepening the available knowledge, this approach aimed to refine AFD's strategic and operational approach in the context of the development of its next strategic direction plan (2023-2027). France's and AFD's commitments to a human rights-based approach will thus be in line with the expectations and needs of local actors in the partner countries. It was also a matter of initiating a participatory approach by CSOs to feed a future roadmap "Human rights and development" for AFD.

The interviews, led by *Farid Lamara* and *Sarah Hayes* (RPD) took place from April to May 2022. Several AFD agents participated in the interviews as observers. In addition, respondents submitted documents that enrich and illustrate the content of the interviews (project examples, studies, capitalizations). Five interviews of 90 to 120 minutes were conducted, allowing to associate to exercise 9 people from 7 CSOs. The majority of respondents are located in the South (6): in Asia, Africa and Latin America. The sample was compiled jointly with DPA/OSC and the Human Rights Platform.

A cross-analysis was conducted on the basis of these interviews and the documentation gathered. It allows us to identify results rich in lessons and recommendations to deepen the reflection of the Group on the modalities of support for the respect and realization of the rights of indigenous peoples, including in relation to projects undertaken to support the preservation of biodiversity and the fight against climate change.

The interview guide, shared with respondents prior to the discussion, consisted of four blocks of questions.



III. Results

For all respondents, Indigenous peoples, who are guardians of the environment and global biodiversity, are in *an extremely vulnerable situation* around the world. Their way of life is weakened by an accumulation of factors. Climate change leads to the degradation of their ancestral lands, and consequently a loss of resources, which directly impacts their livelihoods. There is also a constant pressure on their land, which is tending to accelerate. They are sought after for their resources by other coastal communities, internally displaced people due to climate change, companies (public and private) and public authorities. However, the ties of indigenous peoples to these ancestral lands are not limited to dependence on their resources, they are also cultural and even sacred. The eviction of indigenous peoples from these lands leads to numerous violations of their rights.

In this context, *respect for the principle of free, prior and informed consent (FPIC) stands out as one of the main demands of Aboriginal peoples*. It must be respected both in projects run by the State and those run by companies and donors. This principle is essential to ensure the participation and co-creation of public projects and policies, taking into account the expectations of indigenous peoples. The challenge is to go even further, by supporting the capacity building of these peoples so that they can be actors of their own development. This also means promoting their representation in all national decision-making bodies, and their participation in multilateral dialogues that concern them. Development actors are also invited to ensure the inclusion of women and local, non-indigenous communities, living alongside indigenous communities, in FPIC processes.

Respondents warn of the situation of indigenous rights defenders who are increasingly criminalized for their actions and face serious risks to their safety in several parts of the world. They call on development actors to measure and prevent these risks by developing protection mechanisms, in particular by strengthening the capacities of defenders in terms of security, and supporting coalitions of actors to increase support at different levels.

It is also clear from this consultation that in order to fight climate change and protect biodiversity, it is necessary *to build bridges between human rights, FPIC and nature rights*. Taking the example of these peoples, we must seek to find a balance between the needs of human activities and the protection of nature.

In terms of *priorities for action*, the respondents consider that development actors should support States in implementing their obligations regarding the rights of indigenous peoples and their rights. Several thematic priorities have been identified under the two International Covenants on Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women. While activities aimed at Indigenous peoples are intended to focus at the scale of their territory, issues related to the respect, protection and implementation of their rights extend beyond the boundaries of their lands. It is therefore recommended to *act simultaneously at local, national and regional levels to ensure a real transformative effect*.

we must seek to find a balance between the needs of human activities and the protection of nature.

Several organizations are developing active advocacy with parliamentary and government authorities to advance the human rights of indigenous peoples.

In research, respondents encourage development actors to conduct research on indigenous peoples and their human rights. Research and the production of knowledge are a key step in better guiding the action of development actors. The organizations interviewed noted the importance of documenting, in a scientific approach, the impacts of climate change and environmental damage (especially by private companies) on the rights of indigenous peoples. Accurate data about their existence could also advance advocacy for them and protect them from illegal evictions. In the same register, the development of geographical information systems (GIS) can also be considered. This data set can be made available to Indigenous governments to strengthen their governance. In terms of methodology, it is recommended to directly support communities to produce knowledge and data themselves. It also involves developing research on the traditional knowledge of indigenous peoples.

Finally, respondents were asked about *the specific modalities of action they develop* to defend the human rights of indigenous peoples, *depending on whether they collaborate with the private sector, public authorities or international organizations*. Collaboration with the private sector varies according to the organizations interviewed, given the risks involved and the desire to favour the interpellation of the State against its responsibility to protect. Several organizations are developing active advocacy with parliamentary and government authorities to advance the human rights of indigenous peoples. The UN is also seen as a very relevant sounding board for indigenous peoples' advocacy. Respondents also made recommendations to development actors in their work to support respect for the rights of indigenous peoples.



IV. Experiences and recommendations for the integration of FPIC in international cooperation projects

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The experience of the organizations interviewed demonstrates the urgent need to ensure that the FPIC principle is respected in all projects and policies affecting indigenous peoples. To do this, key elements must be taken into account by development actors in the cooperation projects they finance or implement.

4.1. The FPIC: a bulwark against the precarious legal protection offered to indigenous peoples and the rise of violations of their rights

Enshrined in ILO Convention 169, adopted in 1989, free, prior and informed consent was reaffirmed and made explicit in the 2007². United Nations Declaration on the Rights of Indigenous Peoples. Under this principle, States should consult and cooperate in good faith with the indigenous peoples concerned before adopting and implementing legislative or administrative measures likely to affect them, in order to obtain their prior consent, free and enlightened.

This principle is recognised and implemented in varying ways at national level. The experience of respondents suggests that in some countries the FPIC is recognised by national legislation but is not systematically respected in practice. This is particularly the case in Colombia and Ecuador, where the FPIC, guaranteed by law, is not always applied in practice. In other countries, such as Burundi, the FPIC is not recognized in national legislation, but local practices are conducive to the representation of indigenous peoples in decision-making processes.

In the Democratic Republic of the Congo, there is evidence of a systematic lack of consultation with indigenous peoples when forestry and agricultural enterprises settle on their ancestral lands. There are no agreements signed with indigenous communities, so they don't benefit from the resources of their land development.

The lack of recognition of the FPIC, and in some countries the lack of recognition in national legislation of the very existence of indigenous peoples as a full-fledged, rights-bearing group, induce a strong vulnerability of indigenous peoples. The ownership of their ancestral lands is not recognized by law, or when this is the case, the resources of their subsurface remain most often the property of the State.

² Article 32: States shall consult and cooperate with the indigenous peoples concerned in good faith through their own representative institutions with a view to obtaining their free and informed consent, prior to the approval of any project affecting their lands or territories and other resources, including the development, use or exploitation of mineral, water or other resources."

States should consult and cooperate in good faith with the indigenous peoples concerned before adopting and implementing legislative or administrative measures likely to affect them, in order to obtain their prior consent.

**The absence
or weakness
of legal
protection
for indigenous
peoples leads
to massive
violations
of their
human
rights.**

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In this context, the rights of indigenous peoples remain precarious in the face of the potential exploitation of the resources of their lands, while their way of life rests entirely on their relationship to these ancestral lands. The pressure on these lands continues to increase, whether they are coveted for their resources, or to offset land degradation in other regions due to climate change. The absence or weakness of legal protection for indigenous peoples leads to massive violations of their human rights. Displaced from their ancestral lands, discriminated against to access essential services, people belonging to an Aboriginal community are often treated as second-class citizens.

In addition, faced with the impoverishment of indigenous populations (due to multiple factors, including the consequences of climate change and the loss of biodiversity), Aboriginal peoples are being pressured by businesses and governments to accept extractive investments on their lands, with the promise of job creation. One of the organizations interviewed pointed out that the jobs created in the oil sector are very short-term and the mining sector destroys more jobs than it creates. Governments are also sometimes blackmailing in terms of access to essential services. The opening of schools or the construction of health infrastructures are conditional on the acceptance of mining activities in the territory of these communities.

In this context of the vulnerability of indigenous peoples, which is tending to increase on a global scale, it seems crucial to respect and implement the FPIC to protect their rights.³



³ Cf. Collective work published by the NGO OSAPY in the journal FOATAS: "Indigenous peoples and free, informed and prior consent", 2013, Kinshasa.

4.2. Experiences and good practices for the integration of the FPIC by development actors

Respondents encourage all development actors to adopt a clear policy on FPIC that commits them to accompany and take into account the governments with which they cooperate to promote the implementation of the principle—even compliance with the FPIC in the projects they fund or implement directly.

4.2.1. Co-build programs and projects with Indigenous peoples

The implementation of the FPIC principle means engaging in a true co-construction of programs and projects with Indigenous peoples when they affect the lands they occupy. The goal is to build “with” and not to consider Indigenous peoples as project-affected communities, for which work must be done to minimize the adverse effects induced by the project. Thus, it makes no sense to exclude indigenous communities from conservation projects by removing them from the lands that the project aims to protect. They are the guardians of these biodiversity reserves, and must therefore be an integral part of the implementation of conservation policies.

Co-building implies, above all, developing a thorough knowledge of the way of life of the communities concerned. To do this, one of the organizations interviewed promotes an intercultural approach in its projects with indigenous peoples and works to create a common language and narrative, which communities can then use in their advocacy efforts.

This type of approach involves mobilizing several disciplines, working with lawyers, biologists, environmentalists, anthropologists, etc. Integrating community members into the project team is also considered a good practice.

Second, it is recommended not to promote thematic projects from the outset. The project cycle must be flexible enough to build a project based on the expectations and needs of Indigenous peoples. Some respondents are taking a process-based approach rather than a project-based approach. They consider logical frameworks and their preconceived indicators not adapted to these contexts of intervention.

Indigenous peoples and interested local CSOs must therefore be involved from the outset even before projects are designed. This dialogue must then be maintained permanently throughout the project: “*what you do for me, without me, is against me*”⁴. From respondents’ experience, this type of partnership with Indigenous peoples can only be built over time: “*time is different in the jungle*”⁵. They need to take into account the traditional decision-making processes of these communities, which usually take place over a long period of time. Consultations must be conducted in the local language of the communities to be effective. It is also recommended that discussions be held at several levels to facilitate the participation of all (elders, youth, women...). Respondents drew attention to the need to ensure that divisions within the community are not created, and that decision-making power is taken over by the few who have benefited from capacity building.

Indigenous peoples and interested local CSOs must therefore be involved from the outset even before projects are designed.

⁴ Comments collected during the interviews.

⁵ Ditto

In many cases, Aboriginal communities co-exist with non-Aboriginal communities on their territories. They should not be excluded from consultation processes.

Il est également recommandé d'organiser des discussions à plusieurs niveaux pour faciliter la participation de tous (les anciens, les jeunes, les femmes...). Les répondants attirent l'attention sur la nécessité de veiller à éviter de créer des divisions au sein de la communauté, et que le pouvoir de décision se retrouve accaparé par les quelques-uns qui auront bénéficié d'un renforcement de capacités.

Respondents also highlighted the significant logistical constraints involved in working closely with Indigenous peoples. In the consultation process, it is particularly recommended to transmit documents that are light to download, easy to read on a phone and with little internet connection. One of the organisations interviewed emphasises that it must dedicate nearly 80% of its funds to logistics to access the very remote territories of indigenous peoples in Latin America. The importance of this budget item is sometimes misunderstood by donors.

For projects affecting land use on indigenous territories, it is recommended to map the different areas with indigenous peoples themselves, in particular to identify areas they consider sacred. For these lands, no compensation is possible without violating the cultural rights of these peoples.

For some organizations interviewed, the consultation processes and the expression of the FPIC should not be conducted by companies or donors, but by the State which is responsible for the respect of human rights.

Finally, respondents were unanimous on the scope of the FPIC principle: the right to be consulted also implies the right to refuse the project. The decisions of indigenous peoples must be respected.

4.2.2. Ensuring Inclusion of Women and Non-Aboriginal Local Communities

Respondents warned of two important pitfalls to avoid in implementing a co-construction process that is respectful of the FPIC.

First, in many cases, Aboriginal communities co-exist with non-Aboriginal communities on their territories. They should not be excluded from consultation processes. They are also rights holders and should not be discriminated against on the basis of their ethnic origin. For example, in Latin America, campesinos (peasants) are also present in territories occupied by indigenous peoples, and are affected by the exploitation of the resources of these lands by government and businesses. It is also recommended that *we not operate in silos by working on one side with indigenous peoples and on the other with non-indigenous communities*. It may therefore be relevant to include non-Aboriginal representatives in capacity-building training for Indigenous peoples. This can potentially improve relations between the latter and the rest of the population, when they are in conflict (cf. high stakes for establishing non-confrontational links between the Bantu population and the rest of the population in Africa).

This question highlights potential issues raised by the definition of Aboriginal community status. The danger is that these debates will focus on the purity of belonging and create dynamics of exclusion and discrimination against Métis people.

Secondly, from the respondents' experience, it seems essential to pay *particular attention to the participation of women* in co-construction processes, so that they are not de facto excluded. Their participation in decisions made by the commu-

It seems essential to pay particular attention to the participation of women.

nity varies according to the cultural specificities of the indigenous communities concerned, and therefore requires an analysis of the relationships between men and women in the community in question.

Women's participation may depend on specific local practices and designs such as in the Democratic Republic of the Congo where indigenous women, leaving their village after marriage, can be considered "merchandise sold". Thus, even if the use of land is collective, priority is given to men, who have a vocation to stay in the village in the longer term. Other communities, particularly in Latin America, have developed models of complementarity that determine the place of men and women in decision-making bodies.

Based on an analysis of these contexts, it is recommended to encourage indigenous women to participate in local decision-making bodies, and to stand for election to be represented at all levels of national public life. This can be achieved through leadership training for these women. The International Forum of Indigenous Women (FIMI) was cited as a reference actor on the rights of indigenous women.

We must also not overlook the recurring problems of gender-based violence that also affect indigenous communities.

4.2.3. Building the capacity of Indigenous peoples to assert their rights

Beyond ensuring only the participation of indigenous peoples in the definition of projects impacting their lands, the organizations interviewed advocate to strengthen the governance capacities of indigenous communities so that they can be themselves-same actors in their development. This type of activity requires taking into account the different conception of the territory by indigenous peoples, who generally favour a collective approach to land management and have a particular way of interacting with ecosystems (cf. point 3.4).

At the project level, it is about building the capacity of indigenous peoples to be able to implement projects directly. In this way, some respondents organize coaching activities so that Aboriginal communities can reach out to themselves. This includes specific support for the management of funds, and the establishment of a system of accountability adapted for the use of these funds by indigenous peoples. For example, there is not necessarily a banking system in those communities. Knowledge and technology transfer activities are also organised, particularly in the agricultural field.

Building the capacity of indigenous peoples also requires awareness of their rights and the means of redress to assert them in the event of violations. To do this, it may be necessary to translate legal texts into the local language, and in a culturally appropriate manner. Activities in support of indigenous peoples' organizations to popularize the framework of national FPIC guidelines adopted by the Congolese government in connection with REDD+, have been considered as a good practice.

It is also appropriate to accompany indigenous peoples in the recognition of their traditional knowledge within the framework of public policies on the management of the territories they occupy and their resources, such as national forest management frameworks. Another example is the work of the NGO Docip, which supports

The project demonstrated the need to integrate knowledge transfer with Indigenous communities in order to avoid a situation of dependence on external partners .

indigenous representatives in establishing a treaty under the auspices of the World Intellectual Property Organization to protect the traditional knowledge of indigenous peoples.

The challenge is also to ensure that Indigenous peoples are effectively represented in all decision-making bodies (local, and national) when they are widely under-represented and have the capacity to participate. Respondents also note an over-representation of men in institutions where Aboriginal peoples are represented. Training on the leadership and functioning of these bodies can help remove these obstacles to the right of all to participate in public life.

Box 1

CCFD-Terre solidaire project for the management of natural resources based on traditional knowledge to enable indigenous peoples to adapt to climate change in Indonesia co-funded by AFD

As part of this project, the partner relied on a favourable national legal context to defend the rights of indigenous peoples to the exploitation of their lands for the cultivation of palm oil. The project focused on defending the collective rights of indigenous peoples in the community concerned. It led to the recognition of community forest management by the State and its inclusion in the law. The village thus obtained a collective title of community land management.

This success was facilitated by the involvement of a local partner with in-depth knowledge of the national legal framework upon which the plea was based. In addition, the decentralized system in place in Indonesia has facilitated a virtuous dialogue with local authorities. The latter is nevertheless likely to be subject to possible changes of political majority that could affect the project.

The project demonstrated the need to integrate knowledge transfer with Indigenous communities in order to avoid a situation of dependence on external partners with relevant rights. It also seemed important to work with multidisciplinary actors to ensure that the legal expertise, essential to the project's management, are accompanied by economic expertise to ensure that communities are supported in the sustainable management of resources and to promote their economic rights.

**Pygmy
Indigenous
peoples do not
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traditional
lands.**

Box2

Advocacy by the NGO Solidarité pour les Femmes Autochtones (SPFA) for strengthening the protection of the rights of indigenous peoples in the legislation of the Democratic Republic of Congo

According to SPFA, forestry and agricultural companies do not consult or sign agreements with indigenous peoples in the DRC before starting their activities on the ground. As a result, Pygmy Indigenous peoples do not benefit from the resources of their traditional lands.

In this context, SPFA has advocated since 2009, alongside the platform of Pygmy Indigenous Organizations (DGPA) and other civil society organizations, Support the development of legislation to combat discrimination against indigenous peoples and strengthen the protection of their rights.

This advocacy led to the drafting of an organic law on the fundamental principles of the protection and promotion of the rights of Pygmy indigenous peoples in the DRC, prepared in collaboration with Congolese civil society, and adopted by the Senate on 10 June 2022.

Subject to its enactment, this law could provide plural solutions to violations of the rights of indigenous peoples. It could contribute to the legal recognition of their economic, social and cultural rights and their right to participate in public life. It could also lead to the inclusion of the principle of free, prior and informed consent in national legislation.

This progress was also made possible through advocacy led by indigenous peoples' organizations at COP 26. It resulted in a commitment by several countries to support (financially and technically) the Congolese government in the implementation of this law.

The legal security of the traditional lands of indigenous peoples will be the greatest challenge in the implementation of this law. To this end, SPFA is preparing public legal education activities and accompanying measures for communities, in collaboration with the relevant departments.

Visiting indigenous leaders poses risks to their security.

4.3. Specific Protection and Security Issues for Indigenous Rights Defenders

In a global context of shrinking civic space and increased repression of human rights defenders, visiting indigenous leaders poses risks to their security. Similarly, local populations involved in FPIC processes can risk their lives.

To address these risks, it is recommended that specific safeguards be built into the FPIC process. One of the organizations interviewed has set up local and national networks of trusted lawyers and organizes the relocation in the country or a breathing period in France, for threatened indigenous defenders.

Developing a detailed knowledge of the local situation can help minimize the risk of putting indigenous peoples at risk. Thus, in some countries, the activities of local CSOs are closely controlled by the government. In this type of situation, it may be recommended not to promote the defence of human rights in the project, or not to associate them with the defence of the rights of indigenous peoples. public the local partners to the project activities that are dedicated

As the issue of human rights defenders is very sensitive in many regions, it is recommended to support forums and platforms for exchange of experience at regional and international levels, on the protection of the rights of indigenous peoples. The organizations interviewed also advocate to facilitate the representation of indigenous peoples in international events, which can offer protection to the leaders represented, through the visibility and international support they can gain.

Finally, on the basis of the experience gained following the denunciations made by the NGO Survival on the abuses committed against indigenous peoples in the DRC in the context of national park projects financed by international donors, it is recommended that there be regular monitoring on the ground of projects that may have an impact on the rights of these peoples. Their particular vulnerability requires sustained attention throughout the project cycle.

4.4. Building bridges between FPIC, human rights and nature rights

In Aboriginal cultures, there is generally no separation between the individual, the group, and nature. The latter is part of themselves. This is why indigenous peoples are so attached to their land: *"their lives without it are no longer their lives."*⁶

The ongoing environmental and climate crises have a particularly negative impact on the nature that indigenous peoples have worked hard to protect. Their land everywhere is experiencing a dizzying loss of biodiversity, due in particular to the pressure exerted on it by businesses, governments and non-indigenous populations. At the same time, this situation leads to numerous violations of the rights of indigenous peoples. Taking into account their visceral and often virtuous relationship with nature, which remain the main guardians of global biodiversity, the major challenge is to bridge these different agendas: the protection of the environment, the fight against climate change, respect, protection and implementation of human rights, and the specific needs and expectations of indigenous peoples.

⁶ Comments collected during the interviews.

This does not mean that everything should be prohibited in the name of the rights of nature, if the resources are used in a reasoned way, as is the case for many indigenous peoples.

This includes reconciling human and nature rights, which are intrinsically linked. In this context, the human rights approach must take into account the lack of separation between humans and nature, and the need to ensure a balance between the protection of nature and the needs of human activity (including the specific needs of indigenous peoples: medicine, religious practices, etc.). Some respondents encouraged development actors to support international recognition of nature rights.

This does not mean that everything should be prohibited in the name of the rights of nature, if the resources are used in a reasoned way, as is the case for many indigenous peoples. In indigenous communities, for example, there are customary systems of sanctions that are very effective in cases where one of their members does not respect nature.

Colombia and Ecuador are pioneers in the recognition of nature's rights. Ecuador is now the only state to have recognized the rights of nature in its constitution. However, in these two precursor countries, although recognized by the national legal framework, these rights remain regularly violated by companies, or public authorities. There is a tendency on the part of the latter to use the process of recognition of a national interest in extractive investment projects, in order to exclude all avenues of appeal and challenge.

In Colombia, however, litigation strategies developed by some CSOs have led to important advances, including the recognition of the legal status of the Amazon River and the rights of future generations attached to it.





V. Priorities for action to advance the rights of indigenous peoples

Persons belonging to an indigenous community are like any other person, holders of rights under international human rights treaties. While not mandatory, the United Nations Declaration on the Rights of Indigenous Peoples offers, a more detailed interpretation of the application of the rights protected by the above-mentioned treaties to the particular circumstances of Aboriginal peoples. It should therefore also be taken into account.

5.1. International Covenant on Economic, Social and Cultural Rights

The respondents consider that development actors should take action to support States in implementing their obligations regarding economic, social and cultural rights and support Indigenous peoples to be able to advocate for them. In particular, the organizations interviewed noted the high expectations of indigenous peoples to assert their right to food. In the face of declining soil fertility, due to the combined effects of climate change and damage to their environment, indigenous peoples want to use their traditional knowledge to develop solutions, and ultimately restore their food sovereignty. For example, in Bangladesh, one of the most vulnerable countries to climate change, indigenous land grabbing has accelerated as a result of land degradation in other territories. This leads to tensions between internally displaced people and indigenous peoples. In this context, protecting the food security of indigenous peoples is crucial, as they derive their livelihoods primarily from agriculture, hunting or fishing.

Priority should also be given to activities aimed at respecting and fulfilling their right to a healthy environment. In particular, climate change adaptation and mitigation projects should systematically include Indigenous peoples. Their specific rights and needs must also be an integral part of national climate change adaptation action plans.

Respondents highlighted the significant threats to the land rights of indigenous peoples, which are too often ignored by national legal frameworks. They recommend supporting actions to strengthen the protection of indigenous peoples' land rights so that they can enjoy their cultural rights over them, maintain their livelihoods and preserve their traditional knowledge. Land rights are the cornerstone for indigenous peoples to enjoy their other human rights. In contexts where ancestral lands have already been appropriated by companies, the State or other communities, the creation of retrocession mechanisms should be supported.

Economic rights are a central issue for indigenous peoples, who are becoming increasingly less self-sufficient. This reduction in access to resources crystallizes the fractures that can exist between young and old generations. In the face of

Land rights are the cornerstone for indigenous peoples to enjoy their other human rights.

It is also essential to strengthen higher education to develop connections between traditional knowledge and university teaching.

global impoverishment, Aboriginal youth may be forced to leave their communities and abandon their traditional practices. In this context, it is recommended to actively support the development of economic opportunities.

The right to education is also a major issue for indigenous peoples. Often far from school, indigenous children are forced to reside in boarding schools, where they may be discriminated against. There is a rejection of Aboriginal identity as a strategy to adapt to this new environment. It is also essential to strengthen higher education to develop connections between traditional knowledge and university teaching (cf. point IV).

Finally, the organizations interviewed warn about the importance of protecting indigenous identities, while respecting their cultural rights.

5.2. International Covenant on Civil and Political Rights

Development actors are encouraged to work for the respect and realization of the civil and political rights of indigenous peoples. At the top of these rights, the organizations interviewed point to their right to self-determination. This is reflected in the principle of the FPIC. To support its implementation, it is recommended that:

- Support recognition of FPIC in national legislation
- Promoting access to information
- Strengthen the capacity of local CSOs for a better knowledge of this principle and with a view to sharing experience between CSOs (with a focus on methodology)

For them to be able to effectively assert their rights, it is also necessary to promote access to justice for indigenous peoples. In support of this priority, he cited the important developments in case law in Ecuador, which have led to a favourable outcome to the appeals brought by indigenous communities against the national mining company. The challenge remains the execution of these judgments.

Given the lack or weakness of indigenous peoples' knowledge of their human rights, it is also crucial to support human rights education activities, including capacity-building training on remedies. This should include the translation of relevant texts into their local languages.

The organizations interviewed also prioritise strengthening the governance bodies of indigenous communities. This may include support for:

- Creating spaces where Indigenous communities can have their voices heard
- Building the capacity of indigenous community leaders to be able to implement development projects on their own. To do this, it is recommended to develop new project management models, adapted conservation policies and alternative technological tools
- Building alliances among Indigenous communities (facilitating the emergence of innovative solutions)
- Local, national and international advocacy for indigenous peoples to defend their rights

It is therefore recommended to act simultaneously at local, national and regional levels to ensure a real transformative effect.

5.3. Convention on the Elimination of All Forms of Discrimination against Women

Indigenous women are identified as the most vulnerable group within these communities. Aware of this vulnerability, women are the first to engage in resistance to extractive projects and thus take considerable risks. In this context, it is recommended that development actors contribute to:

- Protection of civil and political rights of indigenous women
- Indigenous Women's Participation in Natural Resource Management and the Fight Against Deforestation and Climate Change
- Women's economic empowerment to strengthen their independence and increase their capacity to participate in the management of public affairs
- Securing Indigenous Women's Land Rights

5.4. Territorial Approach

While activities aimed at Indigenous peoples are intended to focus at the scale of their territory, issues related to the respect, protection and implementation of their rights extend beyond the boundaries of their lands. It is therefore recommended to act simultaneously at local, national and regional levels to ensure a real transformative effect.

A regional approach to connect different indigenous territories can also be favoured, as is the case for the protection of flying rivers in the Amazon.



Les peuples autochtones représentent 5% de la population mondiale alors qu'ils sont les gardiens de 80% de la biodiversité de la planète.

VI. Knowledge and knowledge issues (research), capitalization, evaluations, advocacy and communication

Respondents note that support from development actors to conduct research on indigenous peoples in general and on the issue of their human rights in particular remains very weak, if not non-existent.

However, the role of indigenous peoples in sustainable development and their highly vulnerable situation justify the urgent need to increase knowledge and to document more and more the issues that characterize them⁷. Respondents point out that indigenous peoples represent 5% of the world's population while they are the guardians of 80% of the planet's biodiversity. In this context, the preservation of the rights of indigenous peoples is an essential condition for achieving the 2030 Agenda. Research and the production of knowledge are a key step in better guiding the action of development actors.

The impacts of climate change but also of the often destructive exploitation of environments on collective and non collective human rights, the right to a healthy environment and the rights of nature, deserve special attention and a scientific approach to produce evidence on the impact on the rights of indigenous peoples. The voice of indigenous peoples is not considered a priori sufficient.

Also important to explore through research, issues of human rights and nature rights violations in the countries of the South following the implementation of energy transition policies in the North. Some studies exist, such as the one planned by Accion Ecologica on the impact of mineral extraction projects for the energy transition of Northern countries on the human rights of local communities in Ecuador (intensive exploitation of balsa wood) for the manufacture of propellers in China, exported to Europe. This tree disappeared in Ecuador.

Respondents also suggest documenting environmental degradation and corporate violations in indigenous territories while claiming to create economic opportunities for local communities (which is considered false). In this regard, the question of analysing the economic and social costs of extractive projects that violate the human rights of local residents is a priority area for research.

The development of research on indigenous peoples at the national level, in terms of the census of the indigenous population and their lands is also proposed. In some cases, governments argue that indigenous peoples do not exist – such as the Bangladeshi government. Accurate data about their existence could advance advocacy for them and protect them from illegal evictions.

⁷ See in particular Caritas France study on the situation of PAs in several countries: https://www.rescues-catholique.org/sites/scinternet/files/publications/2021-etude_des_contributions_des_peuples_autochtones-en.pdf

University-based academic education for indigenous youth must be further supported.

In the same register, we can also remember the development of geographic information systems (GIS): maps, warning systems on deforestation, satellite photos. Experiences exist that can serve as examples. In particular, Gaia Amazonas has created local GIS that and landing strip locations. This data set can be made available to Indigenous governments to strengthen their governance. Other approaches are proposed, such as the idea of creating a forest atlas in the DRC including a mapping of indigenous populations, document the number of communities, the number of their members, languages, the number of health centers/schools.

Several much more targeted topics were identified by respondents, based on their activity and location: for example, on the relationship of domination between bantu and baka in the Congo Basin with a view to developing a methodology and recommendations to rebalance this relationship. The research themes to be prioritised must therefore be defined on a case-by-case basis according to local contexts and issues.

In terms of methodology, it is recommended to directly support communities to produce knowledge and data themselves. The idea is to build their capacity to become "the anthropologists of themselves." In all cases, respondents emphasized the need to involve Indigenous peoples in diagnoses. For example, to document the reasons for the decline in fertility of their land based on their traditional knowledge and create adapted solutions. It also involves developing research on the traditional knowledge of indigenous peoples.

The importance of documenting knowledge is also justified to promote its transmission and allow younger generations to keep track of memory (often oral). The training of Aboriginal youth is central to their ability to conduct these information and data collections (with the limit of not changing their way of doing things). University-based academic education for indigenous youth must be further supported so that they can develop and promote their scientific knowledge in relation to their ancestral knowledge.

In general, the many avenues of research could lead to the creation of a platform on indigenous knowledge. However, proposals for data production (mapping) should be conducted with vigilance. Indeed, indigenous peoples do not necessarily have an interest in sharing all this information because of the threats that weigh on them, including from States whose willingness to act on their behalf may remain very weak or even non-existent.

Respondents also noted that development actors could develop specific approaches to assess and measure the impact of projects on indigenous peoples, including on advocacy, in the medium, long, or very long term.



VII. Specific working arrangements according to the actors

Respondents were asked about the specific modalities they develop to defend the human rights of indigenous peoples, depending on whether they collaborate with the private sector, public authorities or international organizations. They also provided recommendations to development actors in their work to support respect for the rights of indigenous peoples.

7.1. Variable collaboration with the private sector

According to the organisations interviewed, strategies for private enterprises differ. Some organisations have chosen not to collaborate with the private sector: *"it is the State that has the duty to ensure respect for human rights and the rights of nature"*⁸. They also underscore the risks posed to the safety of human rights defenders by companies involved in the exploitation of resources on indigenous lands. Many abuses have been committed against them by private militias associated with these enterprises.

Other organisations encourage local partners to get closer to companies operating in their territories, where the context allows. However, there is a lack of recognition of companies' duty to be vigilant in national legislation. Based on the United Nations Guiding Principles on Business and Human Rights, respondents underline the need for private companies to be held accountable for respect for human rights and nature rights. They are calling more broadly to move away from an economic system based on the exploitation of nature.

Development actors also have a role to play in applying the duty of vigilance in their activities. They are also encouraged to support partnerships between CSOs and the private sector actors they fund.

7.2. Active advocacy with parliamentary and government authorities

Respondents engaged in advocacy strategies aimed at national public authorities to advance the human rights of indigenous peoples. Among the initiatives discussed during the talks, two successes were highlighted.

In Ecuador, an organization interviewed made an active plea to parliamentarians that led to the adoption of amnesty laws concerning nearly 250 human rights and nature defenders, whose actions had been unjustly criminalized.

it is the State that has the duty to ensure respect for human rights and the rights of nature.

⁸ Comments collected during the interviews.

It is also recommended that funders integrate people from indigenous communities into their local staff.

In the DRC, civil society advocacy has helped to support the process of drafting the law for indigenous peoples, which is currently being promulgated, in collaboration with indigenous peoples' organizations. This law could be an important step forward in the recognition of the rights of these peoples (cf. Box 2).

7.3. The UN: a sounding board to support indigenous peoples' advocacy

The UN and the international processes that are conducted under its umbrella are a place of visibility of the difficulties faced by indigenous peoples in exercising their human rights. In particular, the organizations interviewed are working with Special Rapporteurs and United Nations experts to trace the violations they witness and their recommendations.

The Universal Periodic Review is also a mechanism endorsed by respondents as a lever for action. They shall endeavour to participate in the preparation of alternative reports, and to sensitize delegations prior to the review meetings so that their recommendations are reflected in the final report of the State under review. The latter are sometimes accepted by the authorities in order to give them a practical variation on the ground. However, this type of action must necessarily be linked to actions at other levels in order to have a significant impact.

7.4. Specific recommendations for development actors towards indigenous peoples

Respondents encourage development actors to increase the share of their funding directed towards indigenous peoples, given the low availability of funds they find, due to the sensitivity of the subject. They also point to the "schizophrenia" of some EU States, including France, which do not recognize indigenous peoples on their territories but fund activities concerning the rights of indigenous peoples in other countries.

The organizations interviewed recommend that development actors act on the knowledge lever to better support the advancement of indigenous peoples' rights. In this way, they should develop more detailed knowledge about Indigenous peoples in different geographies. It is also recommended that funders integrate people from indigenous communities into their local staff.

Respondents also highlight the need for increased coordination of development actors, including CSOs, on behalf of indigenous peoples to multiply their impacts.

Finally, donors are invited to encourage partner States to integrate FPIC into their national legislation. Several organizations interviewed also recommended that AFD integrate the FPIC in its 2023-2027 strategic direction plan, to ensure that in projects and programs funded or supported by AFD, Indigenous peoples were consulted and freely and knowingly expressed their prior consent.





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