

Journal of legal and social studies

Issn: 2507-7333

Eissn: 2676-1742

The Role of Civil Society Organizations in Strengthening the Protection of Human Rights at the International Level

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Date of send: 05 / 06 / 2024

date of acceptance: 01 / 08 /2024

Date of Publication: 01/09/2024

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Abstract :

Civil society organizations are among the non-governmental organizations that have an important role in promoting human rights protection, which may extend beyond the country in which these organizations originated. This is according to the purpose for which it was created. These organizations may differ from one organization to another according to the activity they carry out.

With regard to promoting the protection of human rights, civil society organizations occupy an essential position under international laws, both at the global level in relation to the UN Charter and to UN bodies. Or at the regional level, represented by charters of regional international organizations, such as the European Union and the African Union. These international organizations have a close relationship with civil society organizations, because they primarily share the protection of human rights. It also benefits from the expertise and capabilities of these international bodies.

Keywords: civil organisations ; society ; international ; human rights.

Introduction:

In order for civil society to play its role, it must have legal institutions or associations that operate in accordance with the legal regulation in force in the state to which that society belongs.

Civil society organizations are an essential means of working to enhance the protection of human rights. This is due to its proximity to members of the community in which it works. Its functioning arises mainly from the existence of a society that deals with various types of activities that are important for an individual's daily life.

The international community has paid attention to the role of civil society organizations in helping to protect human rights. This has become clear that international community organizations such as the United Nations have begun to call for the need to give importance to civil society organizations, as they are among the closest bodies at the national level that work to protect human rights that every society needs for better development in all aspects. Not only did global international organizations pay attention to the role of civil society organizations, but also regional international organizations, which are no less important than their predecessors.

Therefore, civil society organizations have a role in providing better protection for human rights, which now extends even beyond the countries under which they were established.

Regarding this topic, the following problem can be raised:

Do civil society organizations really have a role in promoting human rights protection at the international level?

Based on this problem, we will attempt to analyze this research paper with the aim of demonstrating the importance of the role of civil society organizations and highlighting their relationship with international organizations, whether global or regional. Through the following two parts:

THE FIRST TOPIC: Expanding the scope of work of civil society organizations at the international level to enhance the protection of human rights

THE SECOND TOPIC: The increasing role of civil society organizations in their relations with international community organizations to strengthen the protection of human rights

THE FIRST TOPIC Expanding the scope of work of civil society organizations at the international level to enhance the protection of human rights

Since civil society organizations exist in order to serve the society in which their members usually live, and whose work extends even outside the state to which their members belong, it is necessary to present a definition of these organizations (**First requirement**), and this type of organization is not always At the same level, there are models that can be active at the international level in order to strengthen the protection of human rights (**second requirement**).

First requirement: Definition of civil society organizations

To meet their basic requirements, most people unite and cooperate in order to achieve common goals, so they may be found in a place known as civil society. This topic is usually undertaken by an entity organized by the individuals themselves with the intention of meeting the demands of society..¹ This falls under the purview of civil society organizations. These organizations are typically active at the national level, although this may extend to the international level, especially if one of its purposes is to ensure that human rights are protected outside the state's borders. It could be religious, professional, labor, economic, social, or cultural in nature.

Civil society organizations were established for social, cultural, professional, religious, and environmental goals. It is independent in its work from governments, and its goal is non-profit, as the work of its members is essentially voluntary.

They are usually local associations that are mostly active at the national level. They are guided by common ideas such as independence, self-organization or self-discipline, volunteerism, and solidarity, as well as a number of basic democratic ideals (freedom of opinion, freedom of assembly, etc.) that are seen as foundations. . In organizing it. The most famous types of civil society organizations are clubs, associations, federations, citizen initiatives, self-help groups, and mutual groups, in addition to non-profit organizations (NPOs) and non-governmental organizations (NGOs), also known as local associations, which are mainly active at the internal level of each country.. and which are also active on a private basis. Essential at the internal level of each country..² which are also and are primarily active at the internal level of each country.

Furthermore, several principles are included to ensure that civil society groups can carry out their operations to the utmost extent possible, and thus be trusted by everyone. Among these principles, we list the concepts of humanity, non-alignment, neutrality, and independence..³

These principles, in their entirety, work to make these organizations strong in their work. This is at the national level, but if it wants to extend its activities at the international level, it must have another principle, in addition to the aforementioned principles, which is the principle of universality, which means that the activities of these organizations extend outside the country. This is what we will discuss in the next requirement.

Second requirement: Examples of civil society organizations active at the international level to promote human rights in the field

There are many civil society organizations that are concerned with providing the needs of community members that are in dire need of them. Therefore, these organizations work to contribute to achieving and strengthening human rights in their various forms.

For example, consider the Scouting movement, which has an educational purpose. Its purpose is to educate youngsters from childhood about good traits and virtuous morals..⁴ Teaching kids to be self-sufficient and responsible citizens in society. The Islamic Scouting Organization now has an international presence, despite its national origins. However, there may be worldwide scouting groups.

For example, the International Union of Muslim Scouts was founded in Amman, Jordan, in 1989.⁵

Furthermore, Red Crescent populations exist in every Arab and Muslim countries, with the mission of assisting those in need during tough times and mitigating the negative impacts of natural disasters such as earthquakes, floods, and volcanoes on populations. Similarly, armed wars cause huge loss of life and property. These groups strive to alleviate the impacts as much as possible. In this regard, it collaborates with other organizations operating in this field, such as the International Red Crescent and Red Cross movements, and also coordinates its actions with the International Committee of the Red Cross.⁶ in this context.

As a reminder, civil society organizations are classified as non-governmental associations, and despite the breadth of their activities, they work at the national level of each country, but they are unable to carry out the same work to the same extent or with the same efficiency, particularly in terms of society. Rather, we discover that these organizations are engaged on a global scale, which is determined by each organization's competence. These organizations include the National Red Crescent and Red Cross Societies which we find almost at the ⁷. level of every country. If it is a Muslim country, there are the National Red Crescent Societies, but if it is a Christian country, there are the National Red Cross Societies. At the same time, it extends to cover a large number of countries, especially in cases of natural disasters such as earthquakes and hurricanes, in addition to the devastating effects that wars have on humans, animals, and structures.

NGOs hold a unique place among these various types of organizations, and are frequently referred to in the literature as "engines of civil society".⁸

Therefore, civil society groups serve as a catalyst, encourager, and monitor for everything related to society and the difficulties it may face, as well as the demands associated with accomplishing certain wishes that society requires from time to time. Most of the time, we find that civil society organizations focus their work on the practical aspect rather than the theoretical aspect, which aids social, economic, and political development.⁹

As a result, civil society organizations' roles are becoming increasingly important. This is visible at the international level in its interactions with international community groups. This is owing to its size and the power of its impact through its global operations.

THE SECOND TOPIC: The increasing role of civil society organizations in their relations with international community organizations to strengthen the protection of human rights

When civil society organizations are established, they are subject to the national law under which they were established, whether these organizations are local and serve individuals belonging to that country, such as Red Crescent Societies; Or were international organizations active at the global level, such as Greenpeace in the field of the environment, or Doctors Without Borders, which specializes in the health aspect? It may sometimes be a regional international organization affiliated with, for example, the European Union.

All of these organizations, which are civil in nature, are protected by the rules of international law, whether at the global international level or at the regional international level.

The World Bank, the European Commission, and donor nations may support these organizations, whether they are local, regional, or global.¹⁰

However, for recipient governments and local non-governmental organizations, they may provide different answers. However, there must be the ability to identify organizations or movements by the local government in order to benefit from international assistance. Sometimes, if not most of it, this aid may go in a direction other than the one intended by the funders.

Thus, for civil society organizations, they have a major role in contributing to the protection of human rights, on the ground, whether it comes to those global international organizations (**first requirement**), or those referred to by regional international organizations (**second requirement**)

First requirement: Regarding the relationship of civil society organizations with global international organizations

Civil society groups have a place in strengthening human rights among organizations concerned with this aspect, including the United Nations' interest in the necessity of a partnership between it and civil society, as this enhances its ideals and principles, and helps support its work, which contributes to achieving safety and sustainability, to reaching for a better life.¹¹

Furthermore, to assist civil society organizations in their efforts to protect human rights, the United Nations has established legal frameworks for collaboration with these organizations. The United Nations' Department of Economic and Social Affairs has built a comprehensive system for civil society organizations. To resolve conflicts between the affected person and the Department of Economic and Social Affairs, a specialist unit in civil society is formed. This includes communicating over the Internet and participating in meetings held by this administration to strengthen the protection of human rights. Similarly, civil society organizations receive advisor status with the Economic and Social Council, and present periodic reports every four years¹² on the human rights situation in each country to which these organizations belong.

The United Nations Democracy Fund was designed to assist programs that benefit civil society and human rights... Funds are directed to local civil society organisations, particularly those in the early phases of the democratic transition.¹³

As a result, the International Covenant on Economic, Social, and Cultural Rights states that it is the responsibility of States Parties to the Covenant to implement legislative measures aimed at economic development gradually in order to protect the economic, social, and cultural rights of members of society based on their capabilities. enjoyed by this or that country.¹⁴

The Committee on Economic, Social, and Cultural Rights recognized the importance of having national institutions to promote and safeguard human rights. This was accomplished by growing the number of these organizations year after year, as urged by the General Assembly and Human Rights Committee. The High Commissioner for Human Rights has established a program to assist countries in building civil society organizations that will serve as the primary guides in society.¹⁵

In this context, the United Nations High Commissioner for Human Rights, Navi Bellary, emphasized the importance of having an organized civil society concerned with human rights within each country, in order to facilitate the work of the Commission, saying: "The presence of a vibrant civil society capable of working freely, and knowledgeable and competent in the field of human rights." human rights, strengthens and assists the Office of the High Commissioner for Human Rights.¹⁶

In fact, this is considered a required cooperation that is usually needed by some international organizations, such as those affiliated with the United Nations, because this helps a lot in clarifying issues related to human rights, for which civil society organizations are closest to the members of society.

Furthermore, it is important to note that civil society organizations' interaction with international bodies is governed by the national law of the state in which they were created. This is what was specified in the Associations Law No. 12-06, which governs associations. Civil society organizations, on the other hand, can form collaborative partnerships with international non-governmental organizations that have similar interests, as long as they maintain public order, public morals, and the country's national laws. taking into consideration securing authorization from the necessary authorities¹⁷before communicating with anything foreign.

Some multinational non-governmental organizations also help civil society organizations at the national level. The Algerian legislator has outlawed this as a general concept, unless such aid falls within the context of cooperative collaboration and the framework of the law.¹⁸

This is always subject to prior approval by the state's governmental authorities.¹⁹ As an example of this, we find the Algerian Red Crescent Society, which cooperates with international non-governmental organizations such as the International Committee of the Red Cross and with the International Movement of Red Crescent and Red Cross Societies because they have the same goals.

For this reason, we find the role of civil society organizations in contributing to the protection of human rights, with regard to international organizations, whether through the United Nations General Assembly with its recommendations, or through the High Commissioner for Human Rights. We also do not forget the role played by the International Covenant on Economic, Social and Cultural

Rights, with the necessity Countries approve legislation that includes allowing the establishment of civil society organizations and facilitating their work.

Second requirement: Regarding the relationship of civil society organizations with regional international organizations

We highlighted civil society organizations in relation to two regional bodies, in their view of the role of these organizations in enshrining human rights, whether at the international level or at the national level, in order to facilitate comparison in the work of civil society organizations, and also, for historical, geographical and geopolitical factors and the legal relations that bind the two continents together. Whether that is at the European level (**first section**), or at the African level (**second section**).

First section: At the European level

European Council's role is to adopt and activate the role of civil society organizations in the Union's countries, given that the European Council's recommendations for its members are binding recommendations, which have a positive impact on the status, activity, and role of civil society organizations in the Union. This is so that we can know the fundamental role that these organizations play in enshrining human rights in Europe in particular.

The European Council stressed the vital role of civil society organizations in implementing fundamental rights on the ground, including increasing awareness, assisting rights holders, and combatting misinformation, and stated that they can only do so if they are "enabled to do their work." The European Commission defines the role of civil society organizations in "renewed engagement for democracy, the rule of law, and fundamental rights" as something to "cherish" and "protect."²⁰

In addition, the European Council published many recommendations during the Committee of Ministers meeting, reminding Council countries of the need of enabling the functioning of civil society organizations. For example, the 2018 recommendation referred to the national legal framework as well as the political and public context, which allows for the protection and strengthening of civil society spaces. This advice includes how to create a legal framework to support the activity of civil society organizations. Member States should:²¹

- Guaranteeing a suitable legal structure and a favorable political and public environment for human rights defenders, allowing individuals, groups, civil society organizations and national human rights institutions to freely carry out their activities on a legal basis, consistent with international law and standards, to work to protect and promote human rights and fundamental freedoms.²²

- Ensure that legislation, particularly those relating to freedom of association, peaceful assembly, and expression, is drafted and implemented in conformity with international human rights law and norms. Seek guidance from the Commissioner for Human Rights, the Venice Commission, the Council of Experts on NGO Law of the Conference on International Non-Governmental Organizations, and other Council of Europe agencies.²³

It also seeks to remove all unnecessary, illegal, or arbitrary restrictions that may be imposed on civil society organizations, particularly in terms of freedom of association, peaceful assembly, and expression.²⁴

As a result, these recommendations issued by the European Council to its members, which are considered binding for member states, and must be implemented on the ground, in particular, those laws that target the formation of associations and how to implement them, by facilitating the work of associations that represent civil society in all specializations present in the daily life of the citizen. European in particular.

It is worth noting that this applies to countries with democratic systems, where there is more openness towards civil society organizations that help governments diagnose the shortcomings and suffering that members of society may suffer as a result of the lack of adequate protection for human rights, and of course the closest to knowing this are community organizations. Civil society, which has constant communication with society.

What is noted here is that the governments of European countries give civil society organizations great freedom to practice various activities related to society that come into contact with civil, political, economic, social and cultural human rights.

Second section: At the African level

African countries have not been far from paying attention to civil society organizations, given the role the latter play in strengthening the protection of human rights. However, this was not at the same pace as its counterparts in European countries.

Because of the weak financial capabilities of African countries, from time to time the African Development Bank financed local projects for needy African countries, and this was usually coupled with the necessity of assisting non-governmental organizations and urging borrowing countries to facilitate the work of their activities and not place obstacles in front of them.

In this setting, we discover that nongovernmental organizations.²⁵ Historically, civil society organizations have helped shape and monitor the African Development Bank's influence, outcomes, and development policies. This engagement began in the 1990s, with the Development Bank Group holding its first consultative meeting with regional and non-regional NGOs in 1996 at its headquarters in Abidjan. The consultations resulted in the creation of a joint AfDB/NGO declaration and action plan, which prompted the formation of an interim AfDB/NGO committee. The plan was developed to execute the following areas:²⁶

1 - Integrating participatory techniques into project design; 2 - Assisting non-governmental organizations in developing their capacity; and 3 - Improving discussion and ties between non-governmental organizations and the state. 4 - Institutional flexibility in project preparation, contracting, procurement, and disbursement practices to ensure they are NGO-friendly; 5 - Improving the Bank's employees' ability to collaborate with non-governmental organizations and broadening stakeholder participation in the Bank's investments.

It is worth mentioning that the role of civil society organizations, which are non-governmental in nature, can collaborate with the African Commission on Human Rights and contribute to developing issues linked to the preservation of human rights.²⁷

Before providing details on the impact of its participation on the human security agenda. It shows that non-governmental organizations played a pivotal role in the work and development of the African human rights system. It is clear that the African Commission will not be in a primary position to draft the African Charter, support its Commission, provide its headquarters, finance its activities, hold seminars, develop its publicity, present issues, and establish special rapporteurs and working groups. The situation it is in at the present time is without their support.

For this reason, what is noticeable about civil society organizations is that they play a major role in protecting a basic human right that is considered a collective right, which is the right to development, without which there is no economic development for the state and no social prosperity for the people. It has a positive impact if it is achieved, which is what civil society organizations do. However, this depends primarily on the orientations of each country and the policy followed, and this is a reality in relation to the activities practiced by these organizations in every aspect of the life of society, which cannot. The services it provides are dispensed with from time to time, depending on the type of service, which basically follows the type of activity practiced by civil society organizations.

However, there are other aspects that civil society organizations cannot address in most African countries, namely the aspect of protecting civil and political rights, especially the latter. We are still far from the role that is supposed to be given to civil society organizations in devoting human rights as a whole, which is not limited only to social, cultural, and sometimes economic rights, but also extends to civil and political rights, given that human rights are an indivisible whole

4 - Conclusion

Finally, in terms of civil society groups and their role in enshrining human rights, these organizations play an important role in activating human rights on the ground, and we have reached a set of conclusions and ideas, which we characterize as follows:

Regarding the results

Civil society groups' roles are no longer limited to the internal level of countries, but rather expand to countries other than those in which they started, since the globe has become one village. Bad incidents that occur in a certain country and cause citizens to suffer necessitate the assistance of these organizations, which have experience coping with such catastrophes. These organizations also maintain close ties with international organizations, as this involves coordination and cooperation in the field. Despite this, these groups nevertheless confront challenges in the nations where they operate.

Proposals

Our research paper proposes prioritizing civil society organizations in international relations with non-governmental organizations, as they have a better understanding of local human rights issues.

- Facilitating connection between national civil society organizations and international non-governmental organizations with common interests. This is consistent with maintaining the public order and morals of the country in which these organizations operate.
- Overseeing international civil society organizations' activities. So that it is consistent with the public order and morals that these organizations were founded on in their own countries.

Bibliography List :

1. Journal article :

- Paul LÖWENTHAL, **Société civile et participation politique, Le cas de la coopération au développement**, De Boeck Supérieur, Article, De Boeck Supérieur. Mondes en Développement, Vol.33-2005/1-n°129, 2005, p60.
- The African Development Bank Group, **Partnering with Civil Society for Sustainable Development**, A D B G, February 2010.

2 - Theses:

- Al-Ajal Somaya and Ben Hadida Shaima, **Algerian Islamic Scouting and its role in revitalizing the national movement (1936-1954)**, the Al-Falah Scout Regiment, Mostaganem, as a model, Master's thesis, Faculty of Social Sciences, Abdelhamid Ben Badis University, Mostaganem, 2023.
- Lakhdar ELGUIZI, **Internal Measures to Implement International Humanitarian Law at the Internal Level**, PhD thesis, Faculty of Law and Political Science, University of Tlemcen, 2018.

3 - Internet websites:

- Muslim Scout Platform for Humanitarian Services, **about the International Federation of Muslim Scouts**,
<https://msihs.org/about-iiums/> in 25/08/2023 at 17:20
- Nina Cvetek, **Qu'est-ce que la Société Civile?**, octobre 2009, p14.
<https://library.fes.de/pdf-files/bueros/madagaskar/06890.pdf> in 23/04/2023 at 17:45
- Rachel Murray, **The Role of NGOs and Civil Society in Advancing Human Security in Africa**, September 2010.
<https://academic.oup.com/book/2927/chapter-abstract/143596378?redirectedFrom=fulltext#no-access-message> in 15/05/2023 at 17:35

- Section de la Société Civile Haut-Commissariat aux droits de l'homme,
https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/CSS-OHCHR-Leaflet_fr.pdf in 15/01/2024 at 17:25
- United Nations, **United Nations and civil society**,
<https://www.un.org/ar/get-involved/un-and-civil-society> in 22/04/2024 at 19:25
- website: www.icrc.org in 10/04/2024 at 10.30
- Without author, **Civil Society**.
<https://www.un.org/esa/socdev/rwss/docs/2001/8%20Civil%20Society.pdf>
in 11/04/2024 at 16

¹ Brook Kebede Abebe, **The Ethiopian Civil Society Organizations Law and its Role for Social Movement in Ethiopia**, Journal of Contemporary Sociological Issues, Volume 2, Issue 1 (2022), pp. 1-17, p3.

² Nina Cvetek, **Qu'est-ce que la Société Civile?**, octobre 2009, p14.

<https://library.fes.de/pdf-files/bueros/madagaskar/06890.pdf>

³ Lakhdar ELGUIZI, **Internal Measures to Implement International Humanitarian Law at the Internal Level**, PhD thesis, Faculty of Law and Political Science, University of Tlemcen, 2018, pp.297-324.

⁴ Al-Ajal Somaya and Ben Hadida Shaima, **Algerian Islamic Scouting and its role in revitalizing the national movement (1936-1954)**, the Al-Falah Scout Regiment, Mostaganem, as a model, Master's thesis, Faculty of Social Sciences, Abdelhamid Ben Badis University, Mostaganem, 2023, p. 7.

⁵ Muslim Scout Platform for Humanitarian Services, **about the International Federation of Muslim Scouts**, <https://msihs.org/about-iiums/>

⁶ The International Committee of the Red Cross is an international non-governmental organization founded in Switzerland in 1863, following the Battle of Solferino and its massive effects on lives. It was an inspiration for Henry Dunant to establish such an organization, which became concerned with the suffering that people suffer as a result of armed conflicts. For more information about this organization, you can visit its website: www.icrc.org

⁷ Lakhdar ELGUIZI, op.cit, p314.

⁸ Nina Cvetek, op.cit, p14.

⁹ Without author, **Civil Society**, p96.

<https://www.un.org/esa/socdev/rwss/docs/2001/8%20Civil%20Society.pdf>

¹⁰ Paul LÖWENTHAL, **Société civile et participation politique, Le cas de la coopération au développement**, De Boeck Supérieur, Article, De Boeck Supérieur. Mondes en Développement, Vol.33-2005/1-n°129, 2005, p60.

¹¹ United Nations, **United Nations and civil society**,

<https://www.un.org/ar/get-involved/un-and-civil-society>

¹² Ibid,

¹³ Ibid,

¹⁴ International Covenant on Economic, Social and Cultural Rights 1966, **Article 2, paragraph 1**.

¹⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 10 The Role of National Human Rights Institutions in the Protection of Economic, Social and Cultural Rights, Nineteenth Session, University of Minnesota, Human Rights Library, 1998.

¹⁶ Section de la Société Civile Haut-Commissariat aux droits de l'homme,
<https://www.ohchr.org/abstract/143596378?redirectedFrom=fulltext#no-access-message>
https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/CSS-OHCHR-Leaflet_fr.pdf

¹⁷ Algerian Associations Law No. 12-06, **Art 02/04, Art 23**.

¹⁸ Ibid, **Art 30/01**

¹⁹ Ibid, **Art 30/02**

²⁰ European Union Agency for Fundamental Rights, op.cit, p17

²¹ Conseil de l'Europe, **Société Civile et Droits de L'Homme**, Conseil de l'Europe, octobre 2021, p13.

<https://rm.coe.int/civil-society-and-human-rights-fra-3-recommandations-/1680a409fa>

²² Ibid, p13.

²³ Ibid, p13.

²⁴ Ibid, p13.

²⁵ Sometimes we find that non-governmental organizations are the same as civil society organizations, given that the latter are associations independent of the government and are established by individuals, not the government. Other times, we find that non-governmental organizations may differ from civil society organizations, especially if their activity is at the global level, such as Red Crescent Societies and Red Cross Societies, whose activity usually extends beyond the borders of the countries to which these societies belong.

²⁶The African Development Bank Group, **Partnering with Civil Society for Sustainable Development**, A D B G, February 2010, p3.

²⁷Rachel Murray, **The Role of NGOs and Civil Society in Advancing Human Security in Africa**, September 2010, pp340–358.

<https://academic.oup.com/book/2927/chapter-?redirectedFrom=fulltext#no-access-message>