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Human Rights, Social Work in the European and French Contexts

Comments on the Role of the NGOs

A

PROBLEM AND DEFINITIONS

- Human Rights perspective in Social Work practices : some current challenges
- Civil society, NGO and association: theoretical and legal aspects

B

NGOs - KEY ACTOR WITHIN THE INTERGOVERNMENTAL INSTITUTIONS

C

ANALYSIS INTO TWO QUESTIONS

- How do the NGOs foster the active and effective participation of vulnerable groups in decision-making at the national and international level?
- How do the French social work NGOs use the legal mechanism to increase the respect of human rights of the service user but also their own collective rights.

D

RIGHT TO PARTICIPATE – ISSUE FOR RESEARCH AND POLITICS IN THE FRENCH CONTEXT OF SOCIAL WORK

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CONCLUSIVE REMARKS

PROBLEM AND DEFINITIONS

Human Rights perspective in Social Work practices : some current challenges

“Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance well-being” (IFSW, 2014)

The definition of Global Social Work, approved by the IFSW General Meeting and the IASSW General Assembly in July 2014 states:

Challenges at European level
(EU 28 and Council of Europe 47 countries)

- Austerity measures
- Budgetary restriction of national, local and regional authorities
- Migratory flow, not seen since the Second World War
- Shrinking civic space for NGOs
- Polarization of civil society
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(In no hierarchical order)



PROBLEM AND DEFINITIONS

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Civil society, NGO and Association:
theoretical and legal aspects

“Civil society is the “third sector” of society, along with government and business. It comprises civil society organizations and non-governmental organizations” (UN definition)

“NGOs are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties”..“NGOs can be either informal bodies or organisations or ones which have legal personality” (Recommendation of the Committee of Ministers of the Council of Europe to the Member States (CM/Rec (2007)14)

“A non -governmental organization (NGO) is a non-for-profit, voluntary citizens’ group, which is organized on a local, national or international level to address issues in support of the public good” (UN definition)

PROBLEM AND DEFINITIONS

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Civil society, NGO and association:
theoretical and legal aspects

“**Civil society** is the “third sector” of society, along with government and business. It comprises civil society organizations and non-governmental organizations” (UN definition).

➡ Definition of civil society has changed through the ages (some evolutionary ideas)

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PROBLEM AND DEFINITIONS

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Civil society, NGO and association:
theoretical and legal aspects

French law on Freedom of Association and Freedom of Contract promulgated on 1 July 1901:

The association is an agreement whereby two or more persons who pool their knowledge or their activity, for a purpose other than to share the profits (non-profit-organization). Two principles :

Freedom of association: everyone can create an association and withdraw from it. Freedom of association is recognized by the Constitution.

Freedom of contract: each association is free to organize its functioning, by defining its own rules. The statutes organize the grouping of persons for a collective purpose and not according to the personal interest of each member.

The law allows the citizen who has 16 years to associate freely, without prior authorization.

Possible prohibition where the civil rights of the individual are limited by justice

PROBLEM AND DEFINITIONS

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Civil society, NGO and association:
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In 2013, there were 1.3 million active associations. Nearly half of them work mainly in sports (24%) or leisure (22%) sectors, 18% in cultural field, followed by association focused on advocacy, rights defenders (17%) (INSEE, 2014)

Employment within associations is highly concentrated in **social, humanitarian or charitable action, social or medico-social housing and health**. These three areas account for **60% of salaried jobs, whereas they represent only 21% of employers' associations**. Associations with 10 or more employees are overrepresented, particularly in **social and medico-social housing and social work (70% and 46% respectively of employers' associations, compared with 19% on average)** (INSEE, 2014)

Among 17% of associations defending rights and interests, 8% functioning with salaried employment (INSEE, 2014)

NGOs - KEY ACTOR WITHIN THE INTERGOVERNMENTAL INSTITUTIONS



Geneva and
NY

Association status with UN Department of Public Information

Consultative status with the Economic and Social Council (ECOSOC) provides NGOs with access to many subsidiary bodies, to the various human rights mechanisms of the United Nation. NGOs can



Strasbourg

Participatory status given by SG, INGOs part of the Conference of INGOs which is an institution of the Council of Europe and one of its pillars

Brussels,
Strasbourg and
Luxembourg

Consultative status, NGOs registered in a lobbying register



How do the NGOs foster the active and effective participation of vulnerable groups in decision-making at the national and international level?

Democracy

From representative democracy through deliberative democracy to participatory democracy

Divers categories of expertise

Participation of vulnerable groups with respect for their dignity - preparatory stages



How do the French social work NGOs use the legal mechanism to increase the respect of human rights of the service user but also their own collective rights.

Rules of Law

Monitoring mechanism of treaties and conventions
Individual and collective complaint procedures
Some examples



RIGHT TO PARTICIPATE – ISSUE FOR POLITICS IN THE FRENCH CONTEXT OF SOCIAL WORK

Right to participation, as the positive right, goes well beyond a mere right to information and right to privacy

The right to privacy is guaranteed to NGOs and their members

The joint OSCE/ODIHR and Venice Commission Guidelines on Freedom of Association

The rights to freedom of association and expression encompasses the right of NGOs to be free to undertake research, education and advocacy on issues of public debate, regardless of whether the position taken is in accord with government policy or requires a change in the law. *Para.12 Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe (hereinafter: Recommendation CM/Rec(2007)14*

RIGHT TO PARTICIPATE – ISSUE FOR POLITICS IN THE FRENCH CONTEXT OF SOCIAL WORK

Activities of NGOs around public policy, public debate and decision-making should not be mistaken as party political activities. NGOs that engage in advocacy, watchdog or monitoring exercise a right to participation in public affairs, not party political activities. *Expert Council on NGO Law of the Conference of INGOs Regulating Political Activities of Non-Governmental Organisations*

When NGOs draw attention to matters of public interest, they are exercising a public watchdog role of similar importance to that of the press and make an important contribution to the discussion of public affairs. *Magyar Helsinki Bizottság v. Hungary, European Court of Human Rights, Judgment of 8 November 2016.*

RIGHT TO PARTICIPATE – ISSUE FOR RESEARCH IN THE FRENCH CONTEXT OF SOCIAL WORK

How participatory research or collaborative research concretely organizes the participation of the persons who do not have the access to their rights?

The democratic dimension of such approach seems obvious, its epistemological dimension must be consolidated

Do participatory research with vulnerable groups have the same validity, rigor and relevance?

Several research and experiments are carried out inside and outside universities in the fields of health, environment, medical knowledge, social work, involving NGOs, concerned persons, researchers and other actors of civil society.

Conclusive remarks



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