**Panel 2: Procedural aspects of cooperation between United Nations, RHRMs, CSOs and HRDs**

Panellist:

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Objective: to share methods of work and rules of procedure developed by each mechanism to cooperate with CSOs and HRDs.

Participants could address the following questions:

1. What procedures and working methods does each mechanism have to enable civil society and human rights defenders interact with it?

I would like to start my intervention by introducing one of OHCHR’s global thematic strategies: “Widening the democratic space”. Through this thematic priority OHCHR recognizes the importance of the work of civil society and emphasizes the need to promote public freedoms, human rights education and the work of human rights defenders and the media.

This strategy recognizes that a strong participation from civil society at the national and international level, fosters dialogue, upholds the rule of law and democracy and creates and enabling environment within which an independent and robust society can help build and maintain an effective human rights protection system.

Furthermore, the thematic priority provides a strong framework to strengthen work with civil society, supporting efforts to expand and protect civil society space. Currently the Office implements this priority through over 500 activities carried out at headquarters and its field presences worldwide.

After having provided this broad introduction on OHCHR’s thematic priority, I would like to address how civil society actors and concretely NGOs can get involved, with some of the UN human rights mechanisms. I would not go into the details on the different rules and procedures of the different mechanisms since you will have the opportunity to benefit from the presentations of my colleagues who will addressed the UPR and Treaty Bodies, however I would like to provide you am overview on what “enjoying the ECOSOC consultative status” means.

The main source of participation of non-governmental organizations is founded on the UN Charter provision under Article 71. More concretely, the rules governing the participation of NGOs in international conferences convened by the United Nations are set by resolution 1996/31 that provides the “arrangements for consultation with NGOs”. This resolution governs the work of the UN Committee on NGOs, which is the intergovernmental body, to which all applications from NGOs seeking to obtain accreditation under the Economic and Social Council (ECOSOC) must be submitted.

The attainment of the consultative status provides the NGOs with accreditation rights to engage with different UN bodies (as well as other UN agencies, programmes and funds) and have a formal relation with the UN which will ultimately allow NGOs to influence different decision-making processes.

The principal human rights body that requires NGOs to have the consultative status with ECOSOC is the Human Rights Council. Every year an increasing number of NGOs come from around the world to Geneva to participate in its regular sessions. The consultative status allows the representatives of NGOs to attend the plenary meetings of the Human Rights Council and to participate, by delivering oral statements under each of the agenda items, especially during general debates. In addition, the NGOs can submit, in advance, written statements and can organise parallel events at the margins of the session. The regular sessions of the Council are a great opportunity for NGOs to get an international exposure and be able to network and lobby with other NGOs, Member States and the Presidency of the Human Rights Council.

Obtaining the ECOSOC consultative status is not easy. It entails a lengthy and resource-consuming process that, at times, could even result in disappointment- as the UN Secretary General recently pointed out in reference to the denial of the consultative status to certain NGOs (the Committee to Protect Journalists and the Dalit International Solidarity Network).

It is important, therefore, not to disregard the existence of practices and arrangements for the participation of non-ECOSOC NGOs, as well as other relevant stakeholders, in the work of the subsidiary bodies and intergovernmental working groups established by the Human Rights Council.

For instance some subsidiary bodies such as the Advisory Committee, in the preparation of reports and in the holding of consultations, seeks the participation from all relevant stakeholders, including non-ECOSOC NGOs. In addition, the Working Group on the effective implementation of the Durban Declaration and Programme of Action provides that non-governmental organizations that were accredited for the World Conference against Racism may attend public meetings of the Working Group.

The Social Forum, currently in session, is another example of a Human Rights subsidiary body open to NGOs without consultative status with the ECOSOC, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants’ and farmers’ organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers.

Similarly other Forums like the Forum on Minority Issues, the Forum of Business and Human Rights and the newly established Forum on Human Rights, Democracy and the Rule of law provide more extensive provisions for the participation of NGOs.

With respect to the Special Procedures mechanism, currently 42 thematic and 14 country mandates, engagement from civil society actors is fundamental in the drafting of reports by providing information as a response to the different calls for inputs; not to mention the value in their engagement in the preparation of, during and after country visits and in the submission of information under the communications procedure. Civil society active participation is also appreciated in seminars and consultations organized by mandate holders or at their invitation.

It is worth mentioning that to better outreach a widest possible audience, the UN provides live webcast for the Human Rights Council meetings and likewise does the Treaty Bodies for its public sessions. In particular, for discussions related to the rights of persons with disabilities, the UN provides through its webcast international sign language interpretation and real time.

NGO and civil society engagement in other mechanisms like the UPR or Treaty Bodies, as mentioned earlier, will be address by my colleagues seating in this panel.

We have discussed ways of formally participating in UN human rights venues; however, NGOs and other civil society actors who have not sought this formal avenue of participation or have not been able to obtain this status are entitled to engage and participate with several UN human rights system through other practical ways and be still able to impact the decision-making processes. For instance, by participating in workshops like this one, civil society and NGOs are able to engage at different levels and benefit from the regional presence of key human rights actors from around the world.

In addition, there is an exponential growth of engagement through the work of OHCHR field presences. Currently there are more than 60 field presences around the world (12 Regional Offices, 15 Country and Stand-alone Offices, Human Rights Advisors in 25 different countries and 14 Human Rights Components of Peace missions) that provide information and advice to civil society groups, organize training sessions and seminars to strengthen their human rights knowledge and advocacy, and facilitate engagement with the United Nations Human Rights System at large.

1. How can these groups contribute in a systematic way to providing information on human rights?

As we have seen, the engagement of civil society actors and NGOs, in particular, is essential for the operation of the UN human rights machinery.

A systematic way of participation, contribution and engagement would be highly desirable and wanted. However it is clear that to be able to cope in a systematic way with the operation of this huge human rights machinery, a large legion would be required. In this regard a strategic management of resources and expectations in recommended when selecting the bodies of engagement.

To facilitate this process OHCHR has developed different tools such as the several databases for different mechanisms that you will hear from colleagues and also human rights indicators, which are essential in monitoring progress and ensuring accountability in the implementation of human rights standards and commitments, support policy formulation and impact assessment and transparency. The elaboration of a framework of indicators responds to the demand to develop and deploy appropriate statistical indicators in furthering the cause of human rights.

Another way to keep abreast of the multiple activities carried out by OHCHR is to subscribe to the “OHCHR weekly updates” put together by the Civil Society Unit which compiles all the activities of the Office in Headquarters and facilitates de navigation of its website. In addition, through this tool, the Offices shares material specially tailored-made for civil society likes manuals or handbooks and is striving to make them available in languages beyond the official UN language. For instance the last guide for Civil Society on “Civil Society Space and the United Nations Human Rights System” is also available in 16 languages in addition to the 6 UN official languages that all CS publications are available. ( Available languages are: Armenian, Azeri, Creole, Dari, Dhivehi, Korean, Macedonian, Pashtu, Portuguese, Romani, Romanian, Serbian, Sinhala, Tetun, Thai and Vietnamese).

3. What are the strengths and challenges of this process?

The participation of civil society actors in the UN human rights system is a right, a right that need to be exercise freely.

Some practical challenges in the exercise of this right that can be mentioned are: the increasingly narrow availability of financial resources from NGOs to engage meaningfully with international mechanisms, the limitation of interpretation that restricts participation in only six official languages, the lack of knowledge on how the mechanisms operate, the absence of coordinating mechanisms among NGOs, dealing with similar themes or countries, nationally and internationally that may avoid the duplication of efforts, the lack in the planning on strategic lobby and advocacy in the medium and long term.

On a more substantive aspect, important challenges in the process are the excessively restrictive interpretation by the NGO Committee of resolution 1996/31 in certain cases and which has been recently addressed by the Secretary General, the High Commissioner and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

In this regard, the Secretary General has “call on the Committee on Non-Governmental Organizations to apply the criteria for assessing organizations in a fair and transparent manner, as they provide an indispensable contribution to the work and very purposes of the United Nations, in particular to the promotion and protection of human rights”.[[1]](#footnote-1)

The lack of transparency in this assessment has also resulted in the accreditation of organizations that do not represent legitimate interests (GONGOS). This situation has raised concerns among genuine NGOs who have, not only, questioned the misuse of the space, but who have also denounced practices of intimidation and fear of reprisals.

In this sense and as part of a broader mandate, the Secretary General puts together an annual report on reports of acts of intimidation and reprisals directed to individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. In his report, the Secretary-General highlights recent developments that have taken place within the United Nations system and beyond in relation to the issue of reprisals.

In this context, the High Commissioner has recalled that “it is absolutely essential that victims, defenders, activists and other civil society groups be empowered to cooperate with and contribute to the Council’s work without obstruction and fear of reprisals”. He indicated that the Council’s responses to all such allegations should be strengthened so as to ensure that they were effectively pursued and addressed.

In this regard and in the light of the increasing number of cases of reprisals, the Secretary-General has announced in his most report (A/HRC/33/19) that he “intends to strengthen the collection of information on allegations of intimidation or reprisals for cooperation with the United Nations in the field of human rights by asking all parts of the United Nations system to report to him more regularly on such cases”.

I’m sure my colleagues will further elaborate on this issues under their mechanisms. (San José Declaration).

4. What can be done to enhance their participation?

It has been discussed that the current restrictions to the environment where civil society actors operates is a global trend and in this context, the High Commissioner presented a report on “Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned” (A/HRC/32/20).

In his report he High Commissioner identifies five ingredients which are essential to contribute to a safe and enabling civil society space. These are:

1) a robust legal framework compliant with international standards that safeguards public freedoms and effective access to justice;

2) a political environment conducive to civil society work;

3)access to information;

4) avenues for civil society in decision-making processes and

5) long-term support and resources for civil society.

The report proposes concrete recommendations to Member States and to regional and international entities. To the latter, the High Commissioner recommends:

1. Ensure safe premises for civil society and provide advice in cases of threats, intimidation or reprisals
2. Throughout their activities and processes, provide for the effective participation of civil society, in conformity with international standards of non-discrimination, the freedoms of expression, association and peaceful assembly and the right to participate in public affairs;
3. Expand the transparency, through such means as webcasting, of public meetings for example, meetings of the Committee of Non-Governmental Organizations of the Economic and Social Council.
4. Mainstream regular monitoring, review and public reporting on civic spaces issues and challenges across all entities.

5. Participants may also provide statistical information on civil society, HRDs and NHRIs interaction in a given period if available, and information on reports or research done in by the mechanisms in

Finally is important to mention that the most recent resolution adopted by the Human Rights Council on Civil society space (A/HRC/RES/32/31), “requests the High Commissioner to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work and challenges and best practices, and in that regard to continue to engage with and seek input from those organizations and entities, as well as the views of States, national human rights institutions, civil society and other stakeholders, and to submit the compilation to the Human Rights Council at its thirty-eighth session (namely, in June 2018).

In this sense, we would like to benefit from this opportunity to raise awareness on this new report that will be presented by the High Commissioner in June 2018. A formal call for inputs will be soon circulate and we look forward to receive your comments and observations.

[If time allow, I will present some statistics related to side-events and written submission at the Human Rights Council.]

I thank you for your attention.

1. A/HRC/33/19 paragraph 15 [↑](#footnote-ref-1)