

The following submission was prepared by the Sexual Rights Initiative¹, International Women's Health Coalition, Independent Consultant Cynthia Rothschild and AWID.

We represent feminist coalitions, organizations and activists who regularly engage in advocacy on human rights related to gender, sexuality and reproduction at the UN Human Rights Council (UN HRC) in Geneva, Switzerland and UN Headquarters (UN HQ) in New York, USA.

We welcome the High Commissioner for Human Rights 2016 report A/HRC/32/20 on *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned*. We further welcome the identification of five essential ingredients to optimize civil society's transformative potential. In response to the call for inputs for the 2018 report of the High Commissioner focused on civil society space in multilateral institutions, this submission applies these identified ingredients to our collective experiences as civil society advocates working on a regular basis at UN HQ and UN HRC and where relevant, offer suggestions for ameliorating meaningful civil society engagement.

We recognize that space for civil society in multilateral institutions exists across a spectrum. In extreme cases, human rights defenders and other civil society actors experience reprisals, violence and harassment before, during or after participation in multilateral spaces. On the other end of the spectrum, we see a pattern of administrative micro-acts that frustrate civil society actors' ability to participate effectively in proceedings. Furthermore, multilateral spaces are not immune to the ubiquitous sexism, misogyny and racism that permeates all areas of public and private life and are a part of our daily lives wherever we may be. At the UN, this is regularly manifested through disparaging personal interactions with and/or harassment by diplomats, UN officers, security guards and representatives from CSOs and considered "isolated incidents" for which there is no formal complaint mechanism. Within the context of generalized hostility towards civil society and particular hostility to the advancement of human rights related to gender, sexuality and reproduction, such interactions contribute to an overall environment in which women of all ages, particularly women of colour, must constantly justify their presence in multilateral spaces and navigate personal and political terrains that others do not. Until wider social, economic and political systems and structures are transformed to truly value women as free and equal persons, unequal power dynamics will continue to be replicated within multilateral spaces.

Political Climate

The UN operates as a microcosm of the wider world in which space for public dissent, criticism, and advocacy for human rights related to gender, sexuality and reproduction is under sustained attack. Some states regularly seek to delegitimize the work of CSOs, restrict their participation in UN proceedings, and politicize human rights related to gender, sexuality and reproduction as a tactic for achieving geopolitical goals. One only has to review the official records on resolutions containing the words "women human rights defender" or "women's bodily autonomy" to get a sense of the tone and tenor of the discourse on these issues at the UN. The exceptionally political ECOSOC NGO accreditation process is another stark example of the ways in which States target particular NGOs. In many direct and indirect ways, the message communicated to CSOs is that their presence at the UN should be considered a privilege not a right, and that it can be taken away if CSOs step out of line.

Reprisals by States is a real and present danger for many CSOs both personally and to their organizations, and the mere hint of retaliation can be enough to deter CSOs from participating in UN

¹ A coalition of organizations working together at the UN Human Rights Council including Akahata (Argentina), Action Canada for Sexual Health and Rights, Coalition of African Lesbians, Federation for Women and Family Planning (Poland) and CREA (India).

proceedings. This has been our experience within the context of the Universal Periodic Review (UPR) where the participation of certain CSOs could be readily identifiable by government officials, even through the anonymous submission of information, and the risks to their safety outweighed the benefits of participation. Another example is during the voluntary national review process of the High Level Political Forum (HLPF) at UN HQ where CSOs must submit their questions to Member States in advance of the review. This private process allows Member States to pressure civil society to not ask sensitive questions with impunity.

Physical Access to Decision-Making Spaces

The High Commissioner's report states that "*Vibrant civil society participation in the United Nations human rights system is indispensable to the effective protection and promotion of human rights.*" However, the first step in civil society participation is actual physical access to the spaces in which decisions are being made.

Building and Meeting Access

At UN HQ, there are unjustified access restrictions on ECOSOC accredited CSOs. During renovations to the main UN building, temporary buildings were constructed to accommodate proceedings and limitations on CSO participation were put in place including complicated ticket systems for attendance. Once the main UN building was re-opened, these temporary CSO limitations remained in place and are now considered the norm.

In September 2017, the entire UN HQ building was closed to anyone with a CSO badge for the entire month. The only way to access the building was by securing a special event pass. While this restriction may make sense from a security perspective during the High-Level Week when world leaders are present, it is not justified for the entirety of the month of September.

During the 61st Session of the Commission on the Status of Women in March 2017, negotiations were moved from Conference Room 4 at UN headquarters to a room on the second floor that is off limits to civil society. Since the Commission has adopted methods of work that explicitly exclude CSOs from observing negotiations on its Agreed Conclusions, it is critical for their work to be stationed directly outside the room where the negotiations take place in order to advocate with diplomats engaged in the discussions. Facilitators claimed that Conference Room 4 was too cold, however, it was commonly understood, that the move was intended to curtail CSOs' access to negotiators.

Also at the 2017 Commission on the Status of Women, CSO representatives who had a temporary pass for the session were not permitted to be in the Secretariat building past 6pm, ostensibly for security purposes. Since negotiations at the Commission routinely extend into the early hours of the morning, this again is a restriction that negatively impacted the ability of CSO representatives to do their work. As a result of this policy, one evening all CSO representatives, with both temporary and permanent passes, were escorted by security out of the UN building. After protest by CGOs and high-level interventions from UN Women and others, this policy was reversed for the rest of the Commission. Representatives with temporary passes are affiliated with organizations with ECOSOC status and go through the same security screenings as NGO representatives with permanent passes. The suggestion that they pose a security risk is specious.

At the 2017 Commission on Population and Development, CSO representatives who had registered for the Commission and did not possess permanent passes were required to go through onerous procedures to gain access to the UN building. They were required to collect access passes on a daily basis; if they were unable to meet Secretariat staff distributing passes during specific hours due to other meetings, they were not able to enter the building for the entire day. When they were able to

enter the building, their access was initially restricted to one conference room that can be entered into without going through additional security checkpoints. As with the CSW, it is essential for CSO representatives to be able to have access to the UN building and the spaces outside of rooms where negotiations are taking place in order to do their advocacy work. Again, after protest and high-level interventions, these restrictions were eased, but not without harming CSO advocacy.

In advance of the 2016 High Level Meeting on HIV at UN HQ, member states negotiated a modalities resolution that gave UN Member States the ability to veto the participation of specific organizations that applied to attend. As a result 22 organizations, many of which were LGBT or sex worker organizations, had their applications to attend the meeting rejected by Member States who were required to provide no justification for the denial. Though some groups applications were later approved, the denial sent a clear message that these groups were not welcome or accepted at a meeting directly impacting their lives and survival.

The rules guiding NGOs' ability to observe and participate in meetings at UN HQ are decided separately by each body or functional commission, or as with the high-level meeting on HIV, in specific modalities resolutions adopted in preparation for GA meetings and events. As a result, access varies according to Member States' whims at any given point in time and is increasingly restricted. In addition, NGOs' are routinely excluded from observing and participating in negotiations that are deemed politically sensitive, on issues like women's human rights and sexual and reproductive health and rights.

At the UN HRC, ECOSOC accredited CSOs are permitted to access almost all areas of the buildings in the same manner as UN officers and States. Further, CSOs are allowed to be present in the room during informal negotiations and at the pleasure of the chair, entitled to make interventions from the floor. This access creates an environment in which CSOs are considered to be valuable participants of the policy process, provides transparency on the positions of States during informal negotiations and facilitates dialogue between States, UN officers and CSOs that can enhance the quality and substance of debate. While not perfect by any means, this level of physical access to policy making spaces by CSOs should be considered good practice and should be implemented without delay at UN HQ. Recent positive experiences of CSO participation during the negotiations of the 2030 Agenda and in the HLPF negotiations at UN HQ demonstrates the feasibility and value of CSO participation in these spaces. It should be replicated in all other UN HQ negotiations at the General Assembly and ECOSOC, including the Commission on the Status of Women and the Commission on Population and Development.

RECOMMENDATIONS:

- Functional Commissions of ECOSOC should adopt methods of work that allow maximum civil society participation in all elements of their work, including, at a minimum, permitting CSO attendance at informal resolution negotiations and ideally supporting CSO interventions from the floor as per UN HRC;
- Mandate that closed informal negotiations of resolutions take place in areas that civil society can access.
- Member States should adopt modalities resolutions for General Assembly meetings that maximize civil society access and participation and avoid provisions that allow individual Member States to veto the participation of organizations that they do not agree with;
- Remove CSO access restrictions put in place during UN HQ renovations.
- Adequately fund UN HQ security office to ensure CSO access during high volume periods;

Travel costs and visas

The travel costs associated with attendance at UN meetings in Geneva, Switzerland, and New York, USA, are prohibitive for most CSOs, especially Global South CSOs. Consequently, the majority of CSOs present in these spaces are from large international CSOs and/or CSOs based in the Global North. Moreover, women's rights organizations across the world are generally underfunded in comparison to their needs and to other human rights organizations, further contributing to the absence of diversity among CSOs in multilateral spaces. The current spotlight on women and girls has had relatively little impact on improving the funding situation for a large majority of women's organizations around the world. Recent AWID research reveals that the median budget for 740 women's organizations all over the globe was merely US\$20,000.²

Securing visas to attend meetings in New York and Geneva continues to be a huge obstacle to civil society participation in UN meetings. Visa processes are often opaque with little to no communication regarding when visas may be issued, unrealistic timelines for processing and/or no explanation for refusals. Under the new US administration, visa applications have become even more complicated including bans on visas from certain countries. We are also aware of young people, especially young unmarried people, frequently being denied visas to the USA and effectively unable to participate in meetings or events at UN HQ.

Given the global community's stated commitment to gender equality, human rights, empowerment of young people and leaving no one behind, the silence from the UN System and States on travel restrictions applied to the very people who are the subject of global policy and debate, is deafening.

RECOMMENDATIONS:

- Hold more UN consultations and meetings outside of Switzerland and USA, ideally in the Global South;
- Establish visa liaison offices at UN HQ and UN HRC to support visa applications for participation in UN proceedings and coordinate with Swiss and US Embassies;
- Highlight the inequitable access of CSOs to UN HRC and UN HQ caused by administrative burdens of visa processes and travel expenses that are out of reach for most CSOs;
- Promote the use of video statements and other off-site methods of participation;
- Include funding for diverse CSO participation in UN meetings including world conferences within UN program budgets, development aid budgets, and national budgets.

Consultation with CSOs

During each UN HRC session, the President of the HRC holds a meeting with CSOs to discuss any issues that have arisen regarding their participation in the session and to share any relevant information. These meetings are incredibly useful opportunities to discuss grievances directly with a high-level official, to secure commitments to remedy problems and engage in a predictable dialogue on CSO participation. These meetings should be considered as a good practice and replicated in all major UN meetings.

With regards to consultation with CSOs on the substance of resolutions, at the UN HRC core groups of States leading resolutions that value civil society engagement tend to seek input from CSOs that are present in Geneva and often with extremely tight timelines. While this proactive engagement is welcomed, restrictions on the physical presence of CSOs in multilateral spaces noted above significantly limit the perspectives included in draft resolutions and is usually drawn from the "usual suspects" of large international or Global North based organizations. This is most clearly demonstrated in country focused resolutions whereby women's rights and gender perspectives are consistently missing from the text and the debate. Further, the tight timelines pose practical challenges to CSOs with national and regional constituents who are unable to return meaningful

² AWID, Watering the Leaves, Starving the Roots - <https://www.awid.org/publications/watering-leaves-starving-roots>

input within such short periods of time. The annual calendar of resolutions prepared by OHCHR is an important tool to help CSOs plan their engagement, however, the thematic elements of resolutions change each year and its value is therefore limited.

With regards to States that do not value civil society input into resolution negotiations, they are under no obligation to seek it out and often express aggravation at civil society attempts to participate in the process. Further, such States often take issue with civil society interventions during negotiations at UN HRC even when they are explicitly invited to do so by the chair, using CSO participation as a geo-political pawn to gain advantage in other areas.

At UN HQ, the lack of accessibility to informal resolution negotiations, severely impairs meaningful consultation on the substance of resolutions. On occasion, when civil society briefings are held during a negotiation, usually only the facilitators attend and other member states participating in the negotiations do not. These “consultations” are rarely webcast nor translated, further curtailing participation to only those already in New York and/or English speakers.

RECOMMENDATIONS:

- Institutionalize regular and predictable meetings between CSOs and high-level UN officials and/or facilitators (in the case of CSW and CPD) to discuss any issues pertaining to civil society participation during that particular convening;
- Allow CSOs to participate in informal negotiations at UN HQ, and until then incorporate civil society exchanges into the timing of informal negotiations rather than as optional sessions before or after the official informal meeting.
- Encourage UN Member States to consult widely with civil society, including with those CSOs outside of Geneva and New York, well in advance of the start of informal negotiations.

Transparency

The Sustainable Development Goals (SDG) process is a positive example of transparency and inclusion. The establishment of the Major Groups system, its continued recognition in the modalities of the HLPF, and recent expansion to include more constituencies, enriches the process of SDG follow-up and review by ensuring that more voices have a seat at the table.

The Universal Periodic Review process at UN HRC is another example of a transparent process that provides predictable, well-defined and accessible opportunities for CSO participation. Further, the availability of all relevant information and review documentation on the OHCHR website provides CSOs with the same level of information as all other stakeholders and creates a more level playing field among CSOs.

In both of these examples, the availability of live streaming of formal proceedings has greatly enhanced the ability of CSOs to hold their governments accountable and to see the fruits of their advocacy labour in action. This helps to create a stronger sense of investment in processes that can seem distant and unrelated to national contexts as well as providing a shared experience to geographically dispersed activists working towards a common goal.

Areas in which the UN HRC and UN HQ could improve is in relation to arbitrary changes to rules of procedure and ambiguous processes. For example, at UN HRC 36th session, we were advised that the procedure for CSOs to co-sponsor statements had changed to only allow those CSOs with a Geneva designation to be recorded in the report of the session. This change was not communicated to CSOs nor was the change noted on the co-sponsorship forms, causing several CSOs to be omitted from a joint statement signed by over 285 CSOs worldwide. Another recent example from HRC 36 was in relation to parallel event room bookings whereby three events focused on sexual and/or

reproductive rights were allocated rooms in the basement of a building far from the main proceedings. When these bookings were appealed, the CSO liaison office stated that all other rooms were booked for those times and no other rooms were available. However, a cursory review of rooms during those times showed many empty rooms for which no events were scheduled.

RECOMMENDATIONS

- Ensure that any changes to CSO participation is communicated clearly and in a timely fashion and that any rationale for changes is not solely based on the convenience of secretariat staff;