

Thank you for the opportunity to contribute some ideas on the key challenges faced by civil society in the context of COVID-19, together with best practices and recommendations, for the purpose of informing the High Commissioner's mandated report on these issues, due for presentation at the 51st session of the UN Human Rights Council in September 2022.

Restrictions on access and participation

At the international level, UN and state responses to the COVID-19 pandemic have significantly and disproportionately restricted NGO access to UN spaces, meetings, processes and information. Various measures and responses have violated the rights to freedom of expression, association and participation of human rights defenders, victims and rights holders, as well as denied UN bodies and processes of the on-the-ground insights and expertise of these key stakeholders. **Any restrictions on access and participation should be no more than are strictly necessary and proportionate and should be subject to a civil society participation impact analysis, ensuring that such restrictions do not directly or indirectly discriminate against or disproportionately affect NGOs.**

By way of example, more than 18 months since the start of the pandemic, accredited NGOs remain unable to access UN headquarters in New York, severely limiting the ability of such NGOs to engage with and contribute to the work of the UN General Assembly, UN Security Council and ECOSOC, among other bodies. This is despite the fact that State representatives, UN staff, journalists, and even pop bands have been permitted to access UN premises in New York for months. **We call for accredited NGOs to be immediately granted access to UN premises in New York subject only to such restrictions as are commensurate with restrictions imposed on all other stakeholders currently being granted in-person access.**

By way of another example, we reiterate our concerns that the removal of General Debates from the June sessions of the UN Human Rights Council since 2020, as well as the de facto capping of General Debates in the March and September sessions, has had a critical negative impact on NGO engagement. General Debates are the only opportunities for States and NGOs to address country situations that are not formally on the HRC's agenda, including those countries in which there are early warning signs of a deteriorating human rights situation, as well as countries that are on the HRC agenda but that are not the objective of interactive dialogues. General debate contributions are essential to inform the HRC and to enhance its capacity to fulfil its prevention mandate. The wholesale cancellation of general debates during the June session, which is when many reports and discussions related to gender take place, has left many feminist groups and defenders, including women human rights defenders and those working to combat violence and discrimination on the basis of sexual orientation and gender identity, without speaking slots to address the HRC. **We strongly recommend the reinstatement of General Debates in HRC June sessions.**

We also take this opportunity to recall the already significant barriers to entering multilateral spaces faced by civil society organisations and human rights defenders, particularly those working at the national level. These barriers include denial of visas, ECOSOC status requirements, unsustainable costs of travel, lack of translation and interpretation issues, accessibility for people with disabilities, technology access and safety issues.

Retaining and building on digital innovations

The pandemic has also catalysed a number of innovations to safeguard civil society access and participation at the UN, such as by allowing the submission of video statements in lieu of in-person statements at bodies such as the Human Rights Council. The use of remote participation tools has proven to be an effective way to promote more diverse and inclusive engagement – including of children, youth, woman and gender and sexual diverse advocates – partly compensating for the restrictions on in-person participation due to the COVID-19 crisis.

We strongly recommend the maintenance of the option of remote participation in all HRC debates, including open-ended General Debates and dialogues of the HRC, regardless of COVID-19 measures, for a number of reasons, including that: (1) they better enable the participation of national-level civil society actors, ensuring that UN bodies and processes are better informed by and responsive to the situation on the ground; (2) in some circumstances, they reduce the risk of reprisal that may be associated with in-person attendance and participation; (3) they reduce the need for civil society actors to travel to places like Geneva or NY, thereby reducing carbon emissions and environmental damage associated with UN bodies and processes.

We also strongly urge the institution of remote participation opportunities for civil society at the UN in New York including the General Assembly and for NGOs seeking accreditation with the ECOSOC Committee on Non-Governmental Organisations.

Combating reprisals

As the Secretary-General's recent report documents, acts of intimidation and reprisal continue to be perpetrated by both State and non-State actors to deter, prevent or punish civil society actors who cooperate with the UN. ISHR's recent [landmark study on 709 cases of reprisals](#) over the period 2010-2020 makes a range of findings and recommendations to strengthen the UN's response to reprisals. One of the key findings is that sustained public action and statements from multiple actors is the intervention most likely to prevent reprisals or contribute to improved outcomes from the perspective of victims and rights holders.

Consistent with this substantial, evidence-based report, we recommend that

- **additional resources be provided to the team at OHCHR working on reprisals to further improve reporting, follow-up, coordination, and analysis;**
- **more robust political action be taken by both UN actors and State against countries with systematic reprisal and intimidation practices;**
- **all UN entities dealing with human rights issues establish clear protocols on how to prevent and respond to reprisals connected to their work; and**
- **more sustained attention and follow-up on reprisal cases throughout the UN system be taken to enhance positive impact on victims.**

National laws and policies

At the national level, the COVID-19 pandemic has been used or abused by some governments to further restrict the work of civil society, notwithstanding the indispensability of such work to ensuring access to health care, education, decent jobs and to 'building back better'. In this regard we

draw your attention to ISHR's October 2021 report – published jointly with the national defenders' coalitions in Mali, Côte d'Ivoire, Burkina Faso, Sierra Leone and Niger – on restrictions and [good practices to protect human rights defenders and support their work in times of crisis](#). This report documents that, in connection with COVID-19 related laws and measures, human rights defenders and other civil society actors have experienced restrictions and violations with respect to their rights to freedom of expression, association, assembly, and movement, freedom of the press, the right to work, the right to privacy, the right to physical integrity, and the right to a fair trial and access to justice, among other things. The report concludes that **it is integral to 'building back better' that the work of civil society is respected and protected by national laws and policies which are fully compliant with and give full force and effect to the UN Declaration on Human Rights Defenders. This should include enacting a specific law and establishing and resourcing a protection mechanism for human rights defenders, as well as amending or repealing all laws which restrict or criminalise defenders' legitimate and essential work.**

Contacts

- Geneva: Phil Lynch, Director, p.lynch@ishr.ch
- New York: Maithili Pai, Programme Officer, m.pai@ishr.ch

Additional

As discussed, it would be great for the report you are preparing to pick up and reflect some of the key findings and recommendations contained in the following reports:

- report on the issue of intimidation and self-censorship in the context of UN cooperation, which proposes a methodology for the UN to ensure that states which engage in such widespread repression and reprisals as to completely deter UN engagement (eg, Bahrain, DPRK etc) do not escape scrutiny: <https://ishr.ch/defenders-toolbox/resources/reprisals-ishr-launches-new-study-intimidation-and-its-impact-engaging-un/>
- report on the effectiveness of UN action in cases of reprisals, which provides a strong evidence base for the fact that public advocacy by multiple UN actors (including those at the country level) over a sustained period is the form of intervention most likely to have a positive impact from a victim and rights holder perspective: <https://ishr.ch/defenders-toolbox/resources/reprisals-ishr-launches-analysis-of-709-reprisals-cases-documented-by-the-un-secretary-general/>
- report on the impact of COVID-19 related measures on HRDs in Cote d'Ivoire, Niger and Sierra Leone: <https://ishr.ch/defenders-toolbox/resources/covid-19-how-to-ensure-the-protection-of-the-rights-of-defenders-during-the-pandemic/>

Very best wishes

Phil