



INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



**Report to the Independent Expert on the Promotion of a Democratic and Equitable International
Order
JUNE 2021**

To develop his 2021 reports to the Human Rights Council and the General Assembly, the Independent Expert on the promotion of a democratic and equitable international order, Mr Livingstone Sewanyana, will be examining to what extent the COVID-19 pandemic constitutes a serious test to multilateralism, laying bare its weaknesses, and how it could be the opportunity, as advocated in different fora, for a strengthened, more effective and inclusive multilateralism, to address the ongoing pandemic as well as other global challenges, and, in general, securing a safe and sustainable future.

This submission report consolidates responses from seven civil society organizations to inform the IE ahead of the reports to UNHRC48 and UNGA76. The information has been gathered from an online consultation held on June 14th, 2021, with the purpose to provide input into the IEs report and highlight the need for a more centralised role for civil society in multilateralism examining how the pandemic has affected the participation of civil society in multilateralism with a specific focus on the UNHRC and UNGA.

1. What are the key obstacles for civil society to engage and influence the efforts to build back better?

While the trend of increasing barriers to civil society's participation in global and multilateral processes has been evident for years, the COVID-19 pandemic has exacerbated and accelerated these barriers.

Human rights violations in the name of the pandemic emergency response have hampered civil society participation and reduced States' accountability. Governments have both wilfully and inadvertently restricted civic space in the context of the ongoing emergency. Restrictive emergency laws and regulations emanating from pandemic responses have prevented civil society scrutiny of national and international responses. New restrictions have been used to suppress relevant information, using the pandemic as an excuse to crack down on whistle-blowers, political opponents, critical media, and human rights defenders. Internet shutdowns, censorship in social media, intimidations, reprisals, and the criminalization of community responses by groups facing discrimination made it even more difficult for civil society to be part of the solution. There is a fear that these temporary restrictions may become permanent.

A change in modalities brought on by COVID-19 throughout the UN human rights mechanisms and bodies have also led to a restriction on civil society participation. At the Human Rights Council, the modalities for civil society participation, which have changed through the sessions, have been deprioritized during the COVID crisis, giving more flexibility to states and negatively impacting those with less time and resources. Delays in confirming modalities, access to information, time zone issues, language accessibility, and lack of information regarding informal negotiations are some of the main issues faced by civil society organizations during the Council.

The use of virtual formats has brought a host of benefits, in particular for smaller CSOs, by enhancing their ability to participate in UN processes when they might otherwise be unable to travel to Geneva, due to prohibitive cost or visa requirements. Virtual formats have generally helped to strengthen the geographic and thematic diversity of civil society actors participating in UN processes. At the same time, unequal internet and technology access by different sectors of civil society have posed challenges with online participation, such as access to online platforms or uploading video statements. Loss of face-to-face meetings for effective advocacy by civil society has affected lobbying opportunities, making CSOs rely on existing relationships with diplomats when they have them, and unfairly favouring Geneva-based or well-connected NGOs. Inequalities between civil society organizations with a Geneva presence and ECOSOC status and others without have been widened. The ECOSOC request process can take a very long time and could be subjected to political delays. As access by civil society to the Human Rights Council was restricted, those organizations without ECOSOC status were completely left out, since access to those with status was limited to one attendee at a time.

There are concerns that the modalities will revert to pre-COVID conditions in Geneva as Europe opens up again, with significant consequences for activists who cannot access Switzerland for reasons of visa or travel restrictions. Furthermore, global inequalities in access to the vaccine will further affect civil society participation at major global negotiations. Remote participation needs to be strengthened.

Lack of funding is a persistent issue for civil society and the COVID-19 pandemic has had a profound impact on it as resources have been diverted to focus on the emergency response to the pandemic. In addition, the UN budget crisis has impacted the human rights system's ability to fulfil its mandate, including ensuring robust civil society organizations' participation and accessibility measures.

A lack of full participation in decision-making processes, especially UNGA, and lack of political will by member states to implement changes constitute other important obstacles to civil society engagement. The drive for efficiency through the Human Rights Council efficiency measures has been a long time in the making, not just COVID-specific, but combined with the COVID-related restrictions has impacted civil society participation, for instance through the removal of the General Debates in June sessions, which was renewed without meaningful consultation on the impact of the measure.

The pandemic has also exacerbated gender inequalities, making women and girls less likely to be able to influence the pandemic response.

2. What are the solutions to overcome such obstacles in a fair and sustainable manner?

For multilateral bodies, such as the UN, the use of online participation as a means of consultation should be further developed to bring in a wider diversity of civil society voices. Civil society participation needs to be promoted in all processes, including its active role in decision-making and consultations. There is a strong need for a better definition of what it means to participate effectively and in a consistent manner while mainstreaming best practices in civil society modalities across the UN human rights system.

It is important to continue and mainstream online participation in civil society consultations, for instance by Special Procedures across mandates, by the Human Rights Council Presidency on Human Rights Council modalities and efficiency processes, implementing civil society updates and consultation on the impact of the UN Budget crisis and a post-session CSO feedback on modalities. Ensuring transparency in multilateral negotiations, particularly in virtual formats, is key. Reviewing virtual participation throughout the pandemic and reporting on what worked, with recommendations to maintain good practices can enhance and widen civil society participation.

While the use of technology allows greater participation of civil society organizations, it is important to acknowledge inequities in access and dedicate work to address these inequities. The impacts of the pandemic are not the same in different areas at the same time. It is crucial to assess, through consultations, the impact of the pandemic in terms of gender, location and nationality, disability, themes discussed, and accessibility of decisions that will affect participation to ensure that all voices can be heard. An evaluation of each session's participation should include indicators that measure the participation of the diversity of organizations, geographical distribution, thematic areas, etc. This would help define how participation should be organized in the future, with or without the pandemic. Pre-existing barriers to participation must also be addressed, including the difficulties associated with securing ECOSOC status" and visa regulations.

To restore and enhance civil society space and participation in the multilateral system, emergency regulations and laws that unduly restrict civil society and the work of human rights defenders from participating in multilateral forums and spaces must be repealed. It is important to stress the government's responsibility to lift global emergency restrictions that target civil society actors and limit their freedoms of assembly, association, and expression along with ending reprisals.

Additionally, there is a strong need for better and more reliable funding initiatives in the post-pandemic. Timely and adequate payment of state contributions to the UN budget will enable adequate budgeting for civil society participation and accessibility measures.

Lastly, access to vaccines is a human right, as is reflected in Articles 12 and 15 of the International Covenant on Economic, Social and Cultural Rights on the right of everyone to enjoy the highest attainable standard of physical and mental health and to enjoy the benefits of scientific progress. An internal reform is needed to ensure WHO's work is depoliticized, impartial, and sensitive to the fact that socio-economic

consequences of the pandemic are unequally distributed. Support for the proposed TRIPS waiver and C-TAP would contribute to scale up the vaccine production in all countries and for all people, enabling civil society participation on an equal basis when in-person meetings resume.

3. What are your views on a new international treaty for pandemic preparedness and response?

Any negotiated treaty requires a human rights-based framework for a pandemic response that protects the whole spectrum of human rights, whether civil and political, economic, social and cultural, or environmental, avoiding any weakening of the international human rights system. The treaty should acknowledge that the prevention of future pandemics is the best approach, and furthermore, that the best time for enacting preventative measures is now. Policies to protect and preserve the environment will be one of the primary means of containing future infectious diseases and pandemics, particularly those with the potential to spill over from animals to humans. Examples of such preventative measures include steps to reduce deforestation, promote biodiversity and better enforcement of restrictions to the global wildlife trade.

As general principles, the new treaty should uphold: a) the right to health, right to life and right to just and favourable conditions of work, including ensuring equitable access to pandemic response tools and protective equipment for frontline workers, such as health and other essential workers; b) the right to freedom of expression including access to information, enabling civil society and HRDs to meaningfully contribute to the pandemic response, including by subjecting the State's pandemic response measures to public scrutiny, and establishing a trustworthy system to disseminate reliable, accessible and evidence-based information to counter misinformation and to protect the rights of whistle-blowers; c) the right to privacy, especially concerning health data, whether collected by traditional or digital means; d) reaffirm the Siracusa Principles.

The treaty should also list positive steps that States should take to protect human rights in a pandemic, emphasizing science and evidence-based decision-making. The past year gave us examples of good practices to protect human rights in a pandemic. These include policies such as the conditional release of prisoners¹ finding ways to protect access to reproductive healthcare through telemedicine, ensuring domestic violence services remain accessible throughout periods of lockdown, and ways to ensure that the negative impact on children's right to education, in particular for girls, is minimized. There is a need to capture these important lessons and ensure that they are not forgotten.

In addition, a new international treaty should set up a multi-stakeholder oversight body that meaningfully incorporates civil society for monitoring and accountability of fulfilment of obligations under the treaty, establishes funding, and enables safe environments for community and civil society at all levels so they can participate in pandemic response.

¹ Anybody who meets certain criteria, (vulnerability, age, children, women, towards the end of term etc.) should be at least considered for release, and prisons should generally be decongested.

ANNEXURE

The following is taken from [CIVICUS' SOCS report](#) and reflects efforts by “the UN we want” coalition to democratise the United Nations. While the suggested solutions here are well supported by a large group of civil society actors, many organisations are still reflecting on the benefits of such solutions. For this reason, CIVICUS is submitting it under an Annexure to the submission report:

The more fundamental changes being sought by some parts of civil society include a **high-level civil society envoy** who would act as a central liaison point in the UN system and would ensure greater participation and centralised civil society voice across the UN pillars. A high-level focal point for civil society would help ensure that due consideration is given to civil society throughout all UN processes. The role could work to identify and challenge barriers to participation, push for more inclusive convening processes and drive the UN's outreach to civil society and the public. Civil society has done considerable thinking already about how such an office could be appointed, what the role might entail and how it might be managed and resourced.

Other ideas proposed by some parts of civil society include a **UN parliament** that would help to bring more and more diverse voices into the UN system and improve scrutiny of UN bodies and a **citizen's initiative mechanism**, along with the EU's model, would create a new procedure where people could campaign to place their issues on the UN's agenda, opening up more space for people to express their opinions.