

UN'S APPROACH TO PROTECTING AND PROMOTING CIVIC SPACE

Q1. Partnership/participation:

What are entry points for you to engage with the UN? What are the challenges you face in engaging with the UN (e.g. unclear about entry points/contacts, opaque and complex procedures, etc.)?

Regarding obstacles to cooperation:

1/ Expand field presences; and apply greater political pressure to rights-abusing states who refuse to allow such monitoring or seek to cut resources to support it. Human rights monitoring presences help to overcome the remoteness of the UN's human rights system and can provide a more accessible and trustworthy way to bring a local human rights problem to the UN's attention.

2/ Implement Human Rights Up Front (HRUF). Where there is no substantial UN human rights presence, other UN agencies should develop relationships with HRDs, help them to use UN human rights mechanisms, and offer follow-up and protection (through advocacy or other support) to those who do. When monitoring is needed, the UN Country Team has an obligation to seek to fill this need, even when a country is blocking access to OHCHR.

3/ All member states should issue standing invitations to Special Procedures and facilitate country visits, and they should encourage other states to do so as well. States should be held accountable whenever they prevent access to SR visits, or impede contacts with the experts on the ground.

4/ Address lack of information provided regarding action taken by Special Procedures in response to information submitted (e.g. communications sent), which discourages victims from engaging with the Special Procedures

How do you receive information about UN processes? Have you experienced any difficulties in accessing information about the UN's policies and processes?

There continues to be a limited amount of information available at the second-tier of non-English UN websites; either the links revert to English-language pages, or to English-language attached documents.. Overall, our experience is that UN websites are frequently not very user friendly. It can be difficult to find information if you're not familiar with the website.

What measures do you suggest to improve access to information and quality of information?

1/ There are currently four separate locations where varying information is shared regarding country ([here](#), [here](#), [here](#) and [here](#)). The current '[visit-request page](#)' is inconsistent in providing information as to dates, pending requests, whether a visit took place, and whether the mandate holder has reported to the Human Rights Council. Our hope is that the re-working of the 'visits requests page' will provide a clear overview of up-to-date, actual priorities of the current mandate holders while also demonstrating states' historical cooperation with the mandates, including the number of reminders sent. This information is vital for civil society to be able to support the procedure of country visits, from engaging with governments to issue invitations and increase cooperation, to encouraging follow-up and implementation of recommendations.

2/ Information on upcoming reports: We urge the Special Procedures to publish all calls for input for reports on a single page of the OHCHR website to make it as easy as possible for civil society to know when these opportunities arise. Currently, this information is only accessible if a human rights defender is on the mailing list of a Special Procedure, if the mandate holder ensures that the call for applications is included on the weekly civil society mailing list or if a defender checks each of the mandates' individual webpages. Encourage the Special Procedures to provide more timely information about thematic focus of their future work, and to publish at least tentative plans on a webpage which is dedicated to upcoming thematic consultations including all content shared through the e-mail list.

3/ Publication of reports: We have noted with concern that in past years Special Procedures' reports are often published only days ahead of the upcoming Human Rights Council session, and in some instances, a day or two before the respective inter-active dialogue. This hampers the possibility of civil society and states to engage effectively in the inter-active dialogue. It is particularly problematic because NGOs are requested to upload oral statements related to the content of the report on the HRC database 24 hours before the inter-active dialogue, at which point organizations have often not even seen the content of the reports. This practice also provides states with a justification for not addressing the substantive recommendations contained in the reports based on late submission. We urge the Coordination Committee to step up its efforts to prevent this from becoming a recurrent practice and to ensure timely publication of all reports.

4/ Encourage much more impact analysis that assesses the positive outcomes resulting from the use of UN human rights mechanisms, and disseminate and popularize any impact analysis that exists. The system needs to give people on the ground a basis for making judgments about whether to go to the trouble of engaging.

5/ Develop and strengthen new tactics for raising awareness about UN mechanisms in more closed and repressed countries. The more repressive the situation, the less information is available to people about the potential of UN mechanisms; it is also hard for civil society (whether domestic or international) to 'fill the gap' in these contexts, making the efforts of the UN communications teams even more critical.

6/ Acknowledge the structural inequities that make it more difficult for some victims and activists to access UN mechanisms and make an extra effort to compensate for them, by encouraging engagement and offering protection to those who are more isolated or marginalized.

With a view to “leaving no one behind”, what can the UN do to reach out to diverse civil society actors or groups (e.g. women, youth, persons with disabilities, ethnic and religious minorities, indigenous peoples, LGBT individuals) in your country/region/area of work? Can you provide good examples of the UN reaching out to specific groups?

1/ When on mission, relevant UN officials and experts should ensure they travel outside of the Capital and big cities, even though this will mean longer missions. This requires adequate budgets, reviewing risk assessment methodologies to ensure they’re connected with the reality on the ground. Of course, ensure that you meet with a diverse group of civil society representatives.

2/ Allow options in any consultation / call for input opportunity for remote participation (e.g. as some Treaty Bodies have done for civil society briefings during country reviews). If not possible at the same time as in-person meetings in UN offices, provide additional space for defenders to participate remotely.

3/ Special Procedures should ensure that LGBTI groups are included in outreach undertaken in advance of country visits. It appears that this is often only done where the relevant special procedure is already in contact with LGBTI groups in the country. Remember also that L-G-B-T-I as specific groups face particular human rights challenges and so should all be consulted/engaged with.

4/ When consulting with LGBTI defenders, some issues to consider:

- Respectful language – behave with sensitivity
- Protect confidentiality
- Ensure informed consent (using info, mentioning names, media/filming/photographs)
- Security on site (e.g. if a country criminalises consensual same sex sexual conduct, regularly raids meetings of LGBTI defenders)
- Prepare for trauma & respond appropriately

5/ Provide training to UN experts and OHCHR staff on SOGIESC issues and on how to engage with LGBTI defenders.

Do you have any comments about civil society participation in intergovernmental forums (e.g. Security Council, ECOSOC, Human Rights Council, Universal Periodic Review, various commissions etc.)? Do specific groups (e.g. women, youth, migrants, minorities, indigenous peoples, LGBT groups etc.) face greater obstacles than others in accessing UN inter-governmental fora? How could the UN support efforts towards more diversity?

1/ Facilitate process for obtaining badges to access UN spaces that reflect gender identity rather than legal gender, in particular for trans defenders (this include names and gender markers). One issue is the inconsistent application of policies and design of forms: it appears that each meeting has its own form, and that at best gender markers are male, female, and ‘other’. There is no easily accessible information on how to obtain a badge that reflects a person’s true gender identity and name

Q2. Protection of civil society actors:

What role do you expect the UN to play in situations when civil society actors are at risk (e.g. of intimidation, threats and attacks off-line and on-line)? Can you provide examples of the UN taking such measures?

1/ Strengthen the feedback mechanisms so that those who use UN mechanisms receive prompt and adequate feedback about the progress of their case or information. Sometimes people make a substantial effort (and take risks) to provide information to the UN, but can then feel like it has disappeared into a black hole. The UN mechanisms that are more systematic and rigorous about feedback are more likely to build trust and encourage further engagement.

2/ Recognizing that many victims and defenders consider any attention paid to their plight by the UN to be potentially protective in its impact, the UN mechanisms that rely on cooperation should implement more rigorous follow-up advocacy for those at risk to ensure that this protection is real and not just imagined, at both the case level and the policy level.

3/ 'Advertise' and use secure forms of communication (encrypted email addresses, GPG keys, use of Signal where relevant)

4/ If necessary, provide dedicated spaces to meet with LGBTI defenders to ensure their safety (as risks may come from other civil society actors)

1. How could the UN strengthen its protection role, including in cases of intimidation and/or reprisals against people who cooperate or seek to cooperate with the UN?

Regarding cooperation generally,

- Improve the collection and management of data on all human rights abuses. This demands more collaboration among UN, NGO and academic data-based efforts that enable quantification and comparative ranking of abuse levels.
- Use data on abuses together with data on cooperation with the UN to identify countries where there is high abuse and low cooperation as well as those with high abuse and high cooperation. Best practice research should then extract lessons learned from countries with high levels of abuse and high levels of cooperation that may assist countries where intimidation has been more successful in sustaining inhibition.
- Recognise and prioritise intimidation as an invisible harm needing more careful measurement. Investigations going beyond high-level severe abuses should assess the more subtle and

pernicious forms of intimidation that are more prevalent and have a constant inhibiting effect on the broader population.

- Implement careful survey-based studies to document the prevalence and patterns of incidents of state intimidation, as well as the consequent levels of inhibition of human rights action, resulting in a more quantified understanding of the scale of the problem. Where possible this could be a joint initiative involving the UN, NGOs and relevant and qualified academic institutions.
- Take advantage as much as possible of existing measurements of political space, civil liberties, and freedom, acknowledging some of the limitations of this existing data. These broader patterns of 'closed space' are linked to the dynamics of intimidation faced by local human rights actors and can serve as proxy measurements.
- The UN should systematically track individual and civil society engagement, and attempts at engagement with human rights bodies and mechanisms. As a starting point, partial databases could be created for mechanisms for which gathering the data is most feasible. This data could be used to analyse and document cooperation, and enable comparisons to assess whether engagement is increasing or decreasing.

- Member states that use intimidating tactics to deter cooperation with UN mechanisms need to be more thoroughly investigated and held accountable. This accountability needs to look beyond the high-profile severe attacks and reprisals, and the visible actions states take in New York or Geneva-based forums. States also need to be called to account for quieter approaches they are using inside their country every day to sustain an atmosphere of fear and inhibition.
- Encourage all states to develop and implement stronger domestic policies and practices for the protection of human rights defenders and the investigation of threats and intimidation.
- The UN human rights bodies and mechanisms (or OHCHR as the secretariat of these bodies and mechanisms) should systematically gather evidence of incidents in which citizens were deterred in any way from cooperating during country visits, including violent as well as more subtle intimidations, and should publicize these obstacles and hold states accountable.
- The UNSG, ASG, OHCHR and other UN actors must resist member state pressures to censor or expunge any critique from UN documents or statements. UN actors who make unacceptable compromises in order to avoid friction with powerful member states need to be held accountable for not upholding UN principles.

Recommendations to UN Bodies and Mechanisms

- UN bodies and mechanisms must recognise and act in conformity with their legal obligation to respect and protect the right of all persons to communicate with the body or mechanism in all aspects of its work and should take all necessary steps to prevent, protect against, and promote accountability for any alleged acts of intimidation or reprisals.
- UN bodies and mechanisms should be explicit regarding their condemnation of intimidation and reprisals against those who seek to cooperate, and cooperate with them.

- Where relevant, bodies and mechanisms should follow the developing practice of designating a reprisals focal point or rapporteur to coordinate and strengthen the prevention of reprisals as well as ensure effective follow up to allegations.
- Where States fail to adequately investigate and ensure accountability in relation to credible allegations of intimidation and reprisals, the UN should ensure an international, independent investigation into the case, including through pressure or mandates by the Secretary-General, the High Commissioner for Human Rights, the Special Procedures of the Human Rights Council and the Human Rights Council itself.

The ASG should,

- Ensure that the position is visible and accessible to rights holders.
- Develop a public facing policy or working method so that rights holders and victims know where and how to submit information and what they can and cannot expect as a response and in terms of follow up.
- Ensure that rights holders and victims are kept regularly apprised of the status of their case – lack of transparency, information, and updates is a common feature of the various human rights communications mechanisms and procedures that needs to be addressed.
- Actively seek inputs and information on allegations of reprisals from the various UN bodies and agencies.
- Compile and maintain a publicly accessible database of cases and correspondence (with the consent of rights holders and victims), bringing greater visibility to cases and enabling follow-up by NGOs and States, including under the Item 5 General Debate at each Human Rights Council session.
- Use the interactive dialogue at the Human Rights Council called for in resolution 36/21 to ensure adequate attention to the Secretary-General's report on reprisals and to share good practices, challenges and lessons learned and effectively hold States accountable.
- Ensure that the Secretary-General's report, and the presentation thereof, includes all open or unresolved cases, including those in which the State has not responded or provided any follow up information. This is crucial to addressing the current situation in which some States do not respond in the knowledge that if they remain silent long enough the case will no longer be included in the report.

Recommendations to the Special Procedures

- Special Procedures should ensure full and prompt investigations of allegations of intimidation and reprisals that take into account the victim's protection needs and the respective roles of different parts of the UN. This should include private and/or public discussion with the State concerned to ensure they uphold their obligations to protect against violations.
- Special Procedures should also undertake specific efforts to work with all involved stakeholders, including the State concerned, to ensure non-recurrence and remedy for reprisals. In some

cases, this might require extensive engagement and follow-up in order for meaningful action to occur.

- Special Procedures should continue to use public communications as a critical tool in raising the political costs of reprisal for States who would otherwise not be exposed.
- Special Procedures should work with Assistant Secretary-General for Human Rights to ensure a coherent and coordinated UN- wide response to acts of intimidation and reprisal.
- Special Procedures should create and maintain a comprehensive record of all cases of intimidation and reprisals against individuals and groups cooperating with Special Procedures, update the record regularly, and ensure that relevant cases are publicly accessible.
- Special Procedures should communicate cases to the President of the Human Rights Council under Items 3 or 5, so that unresolved or outstanding cases can be discussed in the context of the General Debate under those Items.
- To allow for effective follow up on communications, including related to intimidation or reprisals, State responses should be translated and made public in a timely fashion.

Recommendations to the Treaty Bodies

- All Treaty Bodies should adopt the San José Guidelines on reprisals without further delay.
- Treaty bodies should implement the best practices identified in the Note by the secretariat on the Role of treaty body focal points or rapporteurs on reprisals including:
 - Raising concerns with State party authorities through written communications and follow- up
 - Using early warning and urgent action procedures where appropriate and relevant
 - Raising concerns during dialogues with the State party and in concluding observations, lists of issues, lists of issues prior to reporting, and general comments
 - Coordinating with other procedures
 - Including information on cases of reprisals in reports to the General Assembly and the Economic and Social Council
 - Using protection and interim measures where relevant and appropriate
 - Undertaking awareness-raising activities
 - Reminding States parties of their primary obligation to prevent or refrain from acts of reprisal in the context of State party reviews
 - Making information on reprisals available to the public, including communications with States parties, guidelines or policies, press releases, or other public statements.
 - Using media to highlight specific cases or generalised practices of reprisal.
- Those Treaty Bodies that have adopted the San José Guidelines should work to ensure they are fully and effectively implemented.
- The Treaty Bodies' webpage on reprisals should include information regarding cases received, communications sent to the States concerned, responses received and follow-up communications, while seeking to protect the confidentiality of victims when required.
- The annual meeting of Chairpersons should review all cases of reprisals across all Treaty Bodies, assess actions taken by States and the Treaty Body concerned and coordinate on follow up to cases.

- Treaty Bodies should share the information they receive on reprisals with the Secretary- General to feed into his reports on reprisals.

Recommendations to the Human Rights Council

- To more effectively prevent reprisals, the Human Rights Council as a whole and/or its President and Bureau should provide guidance that clearly outlines the steps that the Human Rights Council will take upon receipt of information about credible risks of reprisals to ensure consistency of action across different terms of the presidency and memberships of the bureau.
- When acts of intimidation, harassment and reprisals occur during or in connection with Human Rights Council sessions against individuals who are seeking to participate, or participating, in Human Rights Council sessions or events, the Human Rights Council, acting through the President, has a responsibility to investigate and publicly denounce such acts, in order to ensure the integrity of its processes.
- The President, in consultation with the Bureau, should continue to follow up on cases of alleged reprisals brought to their attention. This should include:
 - Investigating the allegation;
 - Where the allegation is verified and the safety of the defender will not be put at risk, sending a communication to the State concerned which (a) strongly condemns the allegations; (b) sets out what steps are required to prevent recurrence and provide an effective remedy; and (c) requests the State to report back urgently on the steps and measures taken in this regard;
 - Following up on all communications with States in this context; and
 - In accordance with the Human Rights Council's mandate to perform its work in a transparent manner, keeping and making publicly available the minutes of any relevant meetings, together with letters of allegation and correspondence on cases where requested by the victim or their representatives.
- When appropriate, the President of the Human Rights Council and the Bureau should publicly identify and denounce specific instances of reprisals by issuing formal statements, conducting press-briefings, corresponding directly with the State concerned, and publicly releasing such correspondence with and from victims and States where requested by the victim or their representatives.
- The President of the Human Rights Council and the Bureau should also automatically submit cases brought to their attention to the Office of the Secretary-General for consideration for the annual report.
- The Human Rights Council should adopt resolutions that publicly and unambiguously identify and condemn reprisals, calling on States to uphold their human rights obligations by investigating, ensuring accountability, providing appropriate remedies and reporting back to the Human Rights Council on measures taken.
- To better ensure effective investigation and accountability, the Human Rights Council should seek information concerning actions taken by States to prevent and ensure accountability for

reprisals, assess States' compliance with international human rights obligations, and call on States to take further action where they fall short of meeting those obligations.

- The Human Rights Council should require a State concerned to report back by including the discussion of its response to the risk or allegation of reprisals in Item 5 statements and in its next Universal Periodic Review report.
- The Human Rights Council should adequately monitor the very concerning pattern of attacks of a personal nature against mandate holders and Commissions of Inquiries and make clear that attacks of this kind will not be tolerated. These attacks constitute an attack on the Council itself.
- The Human Rights Council should consider strengthening the mandate of the senior official on reprisals, including by requesting more regular reporting, and that the senior official present the annual report of the SG on reprisals to the General Assembly and engage in an interactive dialogue on it.
-
-

Q3. Promotion of and advocacy for civic space:

What role should the UN play to ensure people have a say in their country (e.g. regarding national laws and policies on protests, access to information, freedoms of expression and association)?

1/ Campaign among heads of government/State to ensure that the principles of good governance, democracy governing the rule of law are respected;

2/ Encourage states to adopt laws on the protection and promotion of human rights defenders rights and to provide effective and efficient mechanisms for their implementation;

3/ Urge states to review and or repeal the texts of laws restricting fundamental freedoms;

4/ Recommend to States to incorporate UN resolutions and declarations relating to fundamental freedoms into national law;

5/ Inform civil society and the authorities through workshops, conferences or trainings on the texts and their uses relating to the protection of fundamental freedoms;

6/ Organize country visits with United Nations Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association

How could the UN strengthen its political support to civil society (e.g. through more positive narratives on civil society, meetings during high-level visits, regular consultations etc.)?

1/ Campaign among heads of government/State to ensure that the principles of good governance, democracy governing the rule of law are respected;

2/ Public campaign aimed at changing the negative perception that public opinion might have on civil society and human rights defenders. These campaigns should consider using value-based narratives.

3/ Call and sensitize States on the opening of the civic and political space;

4/ Monitor the implementation of recommendations and UN resolutions by states;

5/ Streamline accreditation processes so that NGOs wishing to participate in UN conferences and meetings can register without difficulty;

6/ Ensure and recommend to States to review restrictive laws which limit the work of the civil society;

7/ Instruct the country office to organise meetings to consult civil society on questions and situations directly affecting state security, fundamental freedoms and human rights;

8/ Inform civil society of the opportunities offered by the United Nations in terms of the engagement and mission, collaboration, space for freedom of expression and complaints against abuses and violations;

9/ Informing civil society of the different UN mechanisms, their role and how to engage with the UN to make their voices heard;